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Planning Commission
Meeting October 3, 2023

FILE NUMBER: IS#2022-002; PD #2022-001;PM #2022-004
OPERATOR/ PROPERTY Janis Hill
OWNER

TYPE OF APPLICATION: Initial Study, Planned Development, Parcel
Map

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Please find the following on our website under Environmental Documents, Noticing and Attachments (<https://www.lassencounty.org/dept/planning-and-building-services/environmental-documents-noticing-and-attachments>):

- Initial Study #2022-002 (with attachments)
 - Attachment 1, Project Applications and Supporting Information
 - Attachment 2, Notice of Early/Informal Consultation dated June 20, 2022
 - Attachment 3, State Water Resources Control Board Response to Notice of Early/Informal Consultation dated March 8, 2021
 - Attachment 4, California Department of Fish and Wildlife Response to Notice of Early/Informal Consultation dated March 26, 2021
 - Attachment 5, Cultural Research Associates Phase 1 Archaeological Study Negative Survey – Letter Report dated June 2021 (without Appendix A – Records Search – Confidential Information)
 - Attachment 6, Perc. Tests and pit tests submitted by NST Engineering
 - Attachment 7 Comment letters received during circulation of MND and Initial Study

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
June 6, 2023

FILE NUMBER: IS #2022-002, PD #2022-001, PM #2022-004
PROPERTY OWNER/Administrator: Janis Hill
Operator/Applicant: Janis Hill (formerly Janis Hill-Bianco and Stephanie Bianco)
Type of Application: Initial Study, Planned Development, Parcel Map
General Location: The project sites are located directly south of Hwy 147 in Lassen County, ¼ mile west of Clear Creek, CA and 25 miles west of Susanville, Ca (via Highways 36 and 147).
Assessor's Parcel Number(s): 123-020-036
Project Site Zoning: P.U.D. (Planned Unit Development)
General Plan: Planned Development
Environmental Document: Initial Study
Appeal: Board of Supervisors, Lassen County Environmental Review Guidelines Section 6(f), 10 days
Staff Contact: Matt May, Manager of Planning, Code Enforcement and Natural Resources

AUTHORITY FOR APPLICATION:

Lassen County Code Section 18.116 (Planned Development), Lassen County Code Title 16 (Subdivisions), and the Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 7(a)(1)

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits / Approvals</u>
Planning Commission	Approval of Planned Development and Parcel Map
Lahontan Regional Water Quality Control Board (LRWQCB)	Permit for Storm Water Discharges associated with Construction and Land Disturbance
LRWQCB, Division of Drinking Water	Permitting of community water systems
Lassen County Environmental Health Division	Permit Issuance (wells and onsite waste treatment systems)
California Department of Transportation (Caltrans)	Encroachment Permit
California Department of Housing and Community Development	Operation of Recreational Vehicle Park

PROJECT DESCRIPTION:

Planned Development, and Tentative Parcel Map (creating 4 parcels) for an undeveloped 29.72 -acre parcel near Clear Creek Ca. Proposed onsite developments include; two building sites for future residences (proposed parcels 3 and 4), an equestrian arena and barn (proposed parcel 3), one commercial property for proposed Bakery/Coffee Shop employing 3-4 people (proposed parcel 1), and a 10 space, full service (water, sewer, and power hookups) Recreational Vehicle (RV) park. All proposed development is within building sites indicated on sheet 3 of the proposed map. The remaining portions of the proposed parcels outside of the identified building sites will be preserved as open space.

PROJECT AND SUROUNDING SITE CHARACTERISTICS:

The proposed Project site is located on vacant land off of Hwy147, approximately ¼ miles west of Clear Creek. The proposed Project site is undisturbed (apart from some dirt roadways and a power transmission corridor). The site has a vegetative cover that includes various grasses (native and non-native), manzanita, white-thorn, white fir, ponderosa pine, sugar pine, and Russian thistle. The general topography of the area is flat.

SURROUNDING PROPERTIES:

Land use immediately surrounding parcel includes an approximately 200 lot residential subdivision (Clear Creek), which is mostly developed and is served by a Community Services District (water only), and a Fire Protection District (structure protection) to the east; a church (Church of Jesus Christ Latter Day Saints) to the north, and a Burlington Northern Santa Fe railway to the south. The parcels immediately to the west appear to be undeveloped and are in Plumas County.

	Zoning (see notes at bottom)	Parcel Size (acres)	Land Use Designation (<i>Westwood/Clear Creek Area Plan, 2002</i>)
North	P-C*	186.1	“Planned Development Residential”
South	TPZ**	36.4	“Extensive Agriculture”
West	N/A	N/A	Plumas County
East	R-1-B***	Small residential parcels 1/3 to 2/3 of an acre	“Urban Residential, Low Density”

*The P-C zoning district is the “Planned Community District” as defined in Chapter 18.50 of the Lassen County Code

**The TPZ zoning district is the “Timber Production Zone” as defined in Chapter 18.70 of the Lassen County Code

***The R-1-B zoning district “Single Family Residential, Building Site Combining District” as defined in Chapter 18.22/18.84 of the Lassen County Code.

DISCUSSION:

The subject parcel is designated as Planned Development Residential by the Westwood/Clear Creek Area Plan, 2002, and is zoned P.U.D. (Planned Unit Development district) which through the planned development permit (Lassen County Code Section 18.116) allows for development proposals consistent with the general plan or applicable area plan, zoning regulations, development guidelines and special provisions for residential uses as specified, and allows for residential development as specified in the R-1 (Single Family Residential) district and commercial development consistent with the C-L (Local Convenience Commercial) district. This map and planned development proposes 2 residential parcels, a Bakery/Coffee Shop and a 10 space recreational vehicle park (RV Park). No signs have been proposed as a component of this project, any future signing will be subject to the provisions of Lassen County Code.

As required by the P.U.D. zoning district, and for consistency with the Westwood/Clear Creek Area Plan, 2002 and this section, the planned development permit associated with this project shall contain a condition implementing the zoning restrictions of the R-1 district on proposed parcels 2, 3, and 4; and implementing the zoning restrictions of the C-L zoning district on proposed parcel 1.

As required by the P.U.D. zoning district all areas outside of designated building sites shall be preserved as “open space” which is defined in section 18.48.040(2) of the Lassen County Code.

The proposed RV Park is also regulated Department of Housing and Community Development (HCD) under California Health and Safety Code 18610-18614. The operator of the RV Park will be required to show compliance with all applicable HCD regulations and shall secure all necessary permits from HCD.

ENVIRONMENTAL DOCUMENT:

The Environmental Review Officer prepared an Initial Study, which identifies potentially significant impacts in the following categories, and mitigation measures have been identified to reduce said impacts to a less than significant level:

- Land Use
- Aesthetics
- Air Quality
- Biological Resources
- Hazards and Hazardous Materials
- Geologic Problems
- Hydrology and Water Quality
- Population and Housing
- Traffic
- Wildfire
- Utilities and Service Systems

Due to these potentially significant impacts being reduced to less than significant with mitigation measures incorporated, the ERO has prepared a Mitigated Negative Declaration. Please refer to the Initial Study and attachments for additional information.

Pursuant to section 15074(b), prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

A Notice of Intent to Adopt a Negative Declaration for this project was filed pursuant to Section 15072 and 15073 of the CEQA Guidelines. The Department received three (3) agency comments and 21 comments from members of the public. Comments from Ca. Fish and Wildlife, Ca. Water Board (Division of Drinking Water), have been incorporated into the initial study. Comments from Caltrans were informative only, regarding the process for obtaining an encroachment permit, which is already a mitigation/condition of the project. That said, there were no new and avoidable significant impacts identified through this process, and the Environmental Review Officer for the County has determined that recirculation of the documents is not required. The County has incorporated the following responses to comments in Section 22 of Initial Study 2022-002, and has included said comments as attachments to the Initial Study. Again, both the Initial Study with attachments is available on the Department of Planning and Building Services Website.

Ca. Fish and Wildlife Summary:

- Because the candidacy of the western bumble bee (*Bombus occidentalis*) was reinstated under CESA, and the western bumble bee receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085), the discussion in this initial study regarding Biological Resources, Section 7(a), has been updated to specify that the requisite species specific habitat assessments, and any studies and/or mitigation protocols shall include assessments studies and mitigations for western bumble bee.
- Mitigations have been included for avoidance of Nesting Birds.

Ca. State Water Resources Control Board Summary:

- A reference to a letter that is unrelated to this project has been removed from the Initial Study.
- The discussion under section 13(c) has been modified to clarify that the referenced drainage is along Highway 147 within the Caltrans right of way.
- A condition will be added to the Planned Development Permit, requiring the applicant to work with the Clear Creek CSD for water supply. If the new parcels cannot connect to the existing system, the applicant shall work with the State Water Resources Control Board to determine if any of the uses constitute a public water system and secure permitting if necessary. This is not a mitigation as no significant impacts would result from either.

Response to Jessica Greene:

- Caltrans is responsible for the encroachment onto Highway 147, the project must meet all Caltrans requirements prior to receiving Authorization to Operate from

this Department.

- Keeping of horses is considered to be an allowable accessory use, to a primary residential use, provided the parcel meets the requirements of section 18.108.230 (Stables) of the Lassen County Code. That said, equestrian, and agricultural uses are specifically permitted in the PUD zoning district, through the planned development process, provided (again) all other provisions of code are adhered to.
- The project site is a “Planned Development Area” and has been zoned Planned Unit Development (PUD). The Planned Development Areas are specifically discussed as those designated for development in the *Westwood Clear Creek Area Plan, 2002*. The PUD zoning District is consistent with the land use designation and allows for all the proposed uses subject to a Planned Development Permit, which is discretionary. As conditioned, the proposal is consistent with both the area plan and *Lassen County General Plan, 2000*.

Response to Eileen Sader:

- Keeping of horses is considered to be an allowable accessory use, to a primary residential use, provided the parcel meets the requirements of section 18.108.230 (Stables) of the Lassen County Code. That said, equestrian, agricultural uses are specifically permitted in the PUD zoning district, through the planned development process, provided (again) all other provisions of code are adhered to. The applicant has not indicated to this Department that the proposed equestrian arena would be used for events, or other commercial like activity, and those impacts were not analyzed. If this project were approved, utilizing the equestrian arena to host events, and any other commercial activity on the residential parcels would be prohibited.

Response to Catharine Hunter and Rebecca Ng:

- (1)Through informal consultation, the project has changed. The description, maps and analysis included in this Initial Study are accurate.
- (2)Through the planned development permit, the applicant may propose uses allowed within the Single Family Residential (R-1) zoning district (and other identified districts e.g. C-L). Lassen County Code section 18.22.040 allows for mobile home parks by use permit. California Health and Safety Code Section 18214(a) defines “mobile home parks” ...”*any area or tract of land where two or more lots are rented or leased, ...to accommodate manufactured homes, mobilehomes, or **recreational vehicles** used for human habitation.*”(emphasis added).
- (3,4,5) As discussed in Section 1(b) of this Initial Study the zoning restrictions of the R-1 (single family residential) zoning district will be applied to the residential parcels in this proposal. This is also a mitigation/condition of approval. The R-1 district allows for one single family residence to be constructed by right. Pursuant to Lassen County Code Section 18.108.270, a second residence may be allowed by use permit. That said, the proposal and the analysis in the Initial Study does not include consideration for second residences; and if this project were approved and construction of a single family residence were completed, a second residence would require a use permit, which is a discretionary application.
- (6) The Initial Study already includes a mitigation/condition for paving of the

- access road.
- (7)
 - A) If approved, the Bakery/Coffee Shop will be required to meet all the applicable provision of California Building Code, which include provisions for structural fire protection. There are no additional requirements for commercial properties within the planning area.
 - B) The proposed equestrian arena is considered to be an accessory residential use. As currently conditioned, prior to construction of said arena, a single family residence would need to be constructed, and the parcel would need to be included into the Clear Creek CSD for (at minimum) fire protection.
 - C) The Clear Creek CSD is not required to include the parcels, and thus would only include the parcels if said inclusion was sustainable. That said, if the CSD chose to not include the parcels for fire protection (as required) the proposed residential parcels would not be developable.
 - D) As mitigated the impacts are less than significant.
- (8) There was no evidence of flooding on the proposed project site and the site is not in a FEMA designated flood prone area. Caltrans will require an analysis of the drainage along Highway 147, through their encroachment permit.
- (9) Based on comment from the State Division of Drinking Water, as discussed in the Initial Study, the Planned Development will include a condition that the applicant work with nearby water suppliers for service. If connection to an existing system is not feasible the condition requires the applicant to secure all necessary permits from the Division of Drinking Water, who provide all oversight for permitting of new water supply systems.
- (10) Proposed Parcels 1 and 2 are along State Hwy 147, which is a scenic highway corridor pursuant to the *Lassen County General Plan, 2000*. As discussed in Section 15 (a-d) of this Initial Study, the County will develop and enforce policies and regulations to protect areas within scenic corridors from unjustified levels of visual deterioration and to support the repair of existing cases of significant visual distraction. The mitigation for landscaping of parcels 1 and 2 has been corrected and included in this Initial Study (along with other mitigations in the section) reduces impact of the project to a less than significant level.

Response to signed form letter of opposition from 17 Clear Creek residents:

- There is no reasonable argument that traffic will significantly be increased as a result of this project. The only expected increase in traffic will be as a result of the residential parcels, and that said there is not an expected significant increase in traffic above the existing baseline. The commercial uses included in the proposal are not expected to result in increased traffic, but rather will capture existing through traffic. That said, visitation of the RV Park and/or the Bakery/Coffee Shop may result temporary increases to congestion as vehicles enter and exit the Highway. Caltrans is responsible for approving the Highway encroachment and may require additional studies as necessary.
- Livestock grazing (and other agricultural activity) is currently allowed in both the M-R (Mountain Resort), and TPZ (Timber Production Zone) districts (Lassen County Code Sections 18.55.030 (27) and 18.070.030(e)) which abut to the Clear Creek Subdivision. The project as proposed would not significantly increase the

potential impacts from livestock in the vicinity of Clear Creek. Further, the PUD zoning district specifically states that secondary uses such as corrals and stables may be considered by the Planning Commission through the Planned Development permit. Finally, the Planned Development permit will contain a condition restricting the use of the proposed residential parcels to the uses allowed in the R-1 Zoning District. The County has previously determined that keeping of horses is a use that may be allowed in any residentially zoned or, residentially developed parcels, provided the parcels meet the area requirements found in Lassen County Code 18.108.230. This is because keeping of horses is not considered agriculture (per se) by Lassen County, unless the horses are kept in support of other agricultural activity.

- In approving or denying an application for a Planned Development pursuant to Section 18.116.080 the Planning Commission, amongst other conclusions, must discuss and decide; the:

“The relationship, beneficial or adverse, of the proposed planned development to the neighborhood in which it is proposed to be established”

TECHNICAL REVIEW FINDINGS and/or RECOMMENDATIONS:

A Technical Review request letter was sent out to Lassen County Departments on August 13, 2023. The recommended findings and conditions have been incorporated into the draft approving resolution for the project.

PLANNING COMMISSION ACTION:

(a) The granting or denying of the planned development permit or subsequent use permit shall include findings of fact related to the specific proposals and shall set forth the reasons for the grant, with or without conditions, or for the denial. Findings shall set forth specifically in which respects the development would or would not be in the public interest including, but not limited to, conclusions on the following, where applicable:

(1) In which respects the development plan and/or applicable specific plan is or is not consistent with the provisions or purposes of a planned unit development district and the county general plan;

(2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;

(3) The purpose, location, and amount of the common open space in the planned development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

- (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
- (5) The relationship, beneficial or adverse, of the proposed planned development to the neighborhood in which it is proposed to be established;

The Planning Commission is required to form their own conclusions regarding the above findings and the public interest. However, in this case, it is the conclusion of the Department that Initial Study #2022-002 clearly demonstrates that:

1. The project is consistent with Lassen County Title 18 (Zoning), the *Lassen County General Plan, 2000, and the Westwood Clear Creek Area Plan, 2002*.
2. There is no indication that the proposal would induce departure from any applicable regulations of the Lassen County Code.
3. The amount of proposed open space is appropriate, and as mitigated, the open space will remain undeveloped.
4. As mitigated/conditioned the project includes adequate provisions for public services, vehicular traffic, light and air resources, recreation, and visual resources.

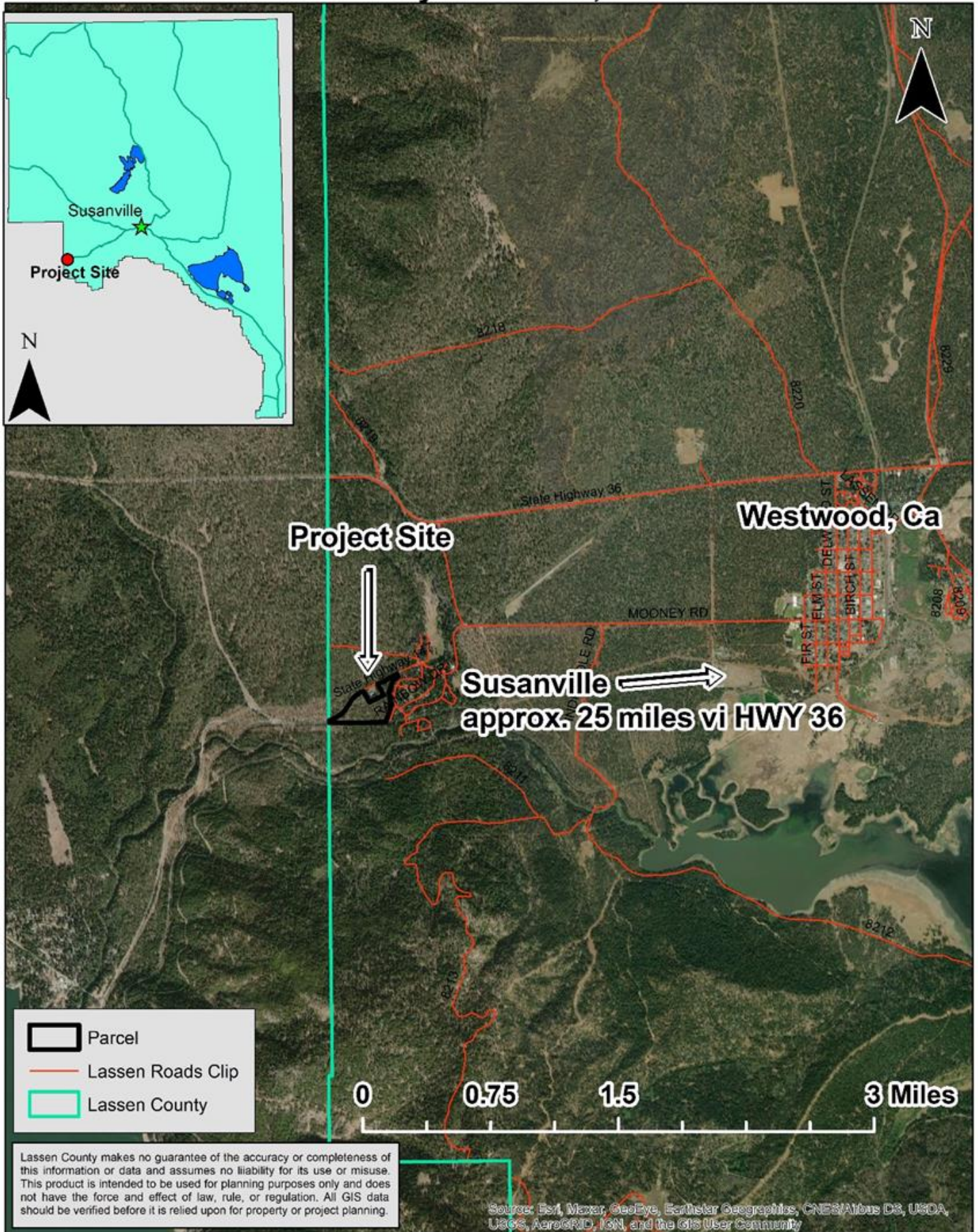
The Department, through the Initial Study, could not conclude the nature of “*the relationship, beneficial or adverse, of the proposed planned development to the neighborhood in which it is proposed to be established*” as required under Lassen County Code 18.116.080 (a) (5). Nineteen of the 21 letters of opposition that the Department received during circulation of the Draft Mitigated Negative Declaration did not identify any significant environmental impact, but seem to be indicative of a relationship to the neighborhood that may be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working there. That said, in addition to other required agencies, notice of this hearing was sent out to the entire Clear Creek subdivision, and to the Clear Creek Community Services District. To a large degree, it is the purpose of this hearing to gauge the public interest, and allow the Planning Commission to form the above conclusion ((a) (5)).

Pursuant to section 15074(b), *prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.*

STAFF RECOMMENDATION:

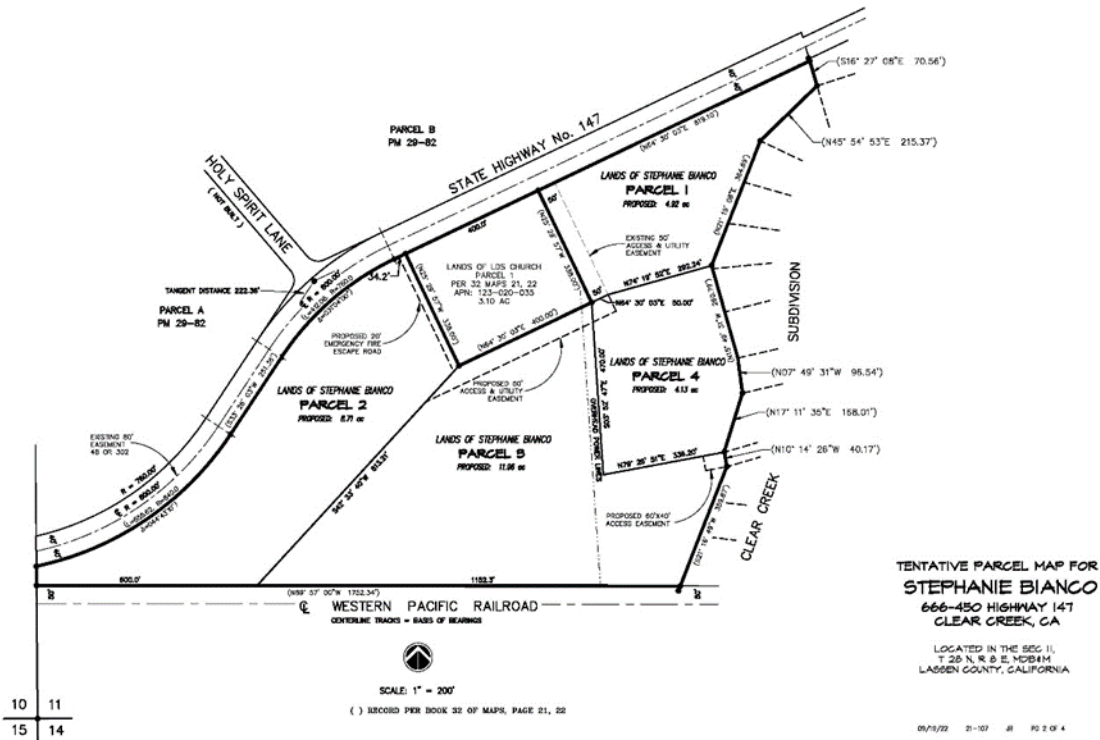
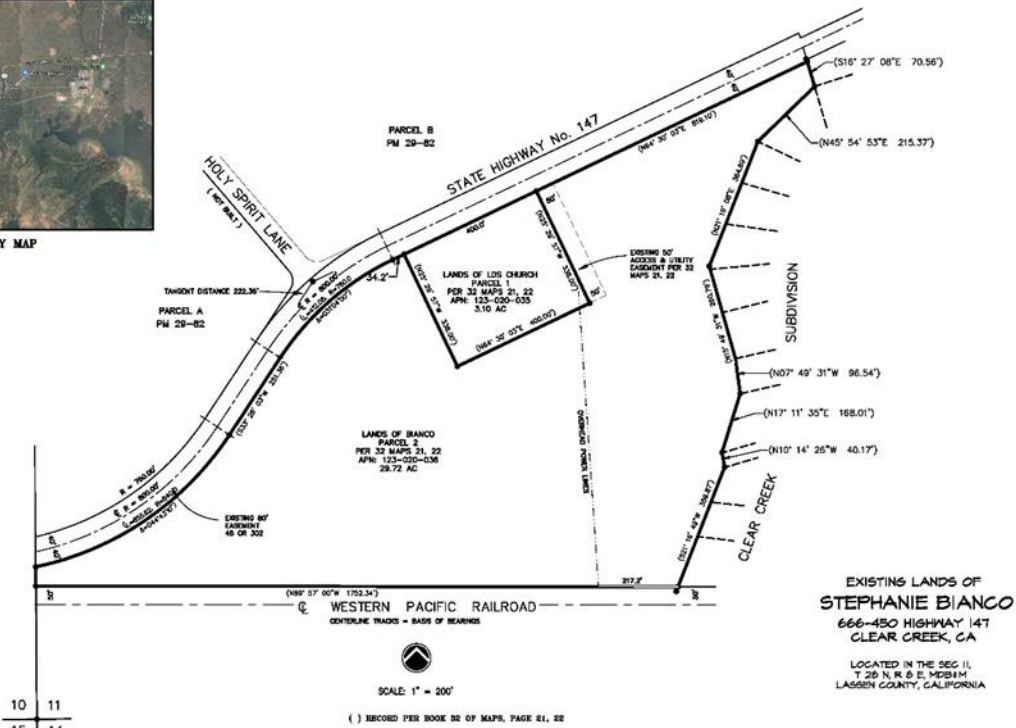
Staff has reviewed the Planned Development and Parcel Map and has found it to be consistent with Lassen County Code, Section 18.116 and Title 16. Staff recommends that, if the Planning Commission concludes that approval is appropriate, they adopt the attached resolution approving Planned Development #2022-001, Parcel Map #2022-004, with conditions, and adopt the Mitigated Negative Declaration as the environmental document for this project. If the Planning Commission determines that the project is not in the public interest and concludes that approval is not appropriate, Staff have also included a disapproving resolution.

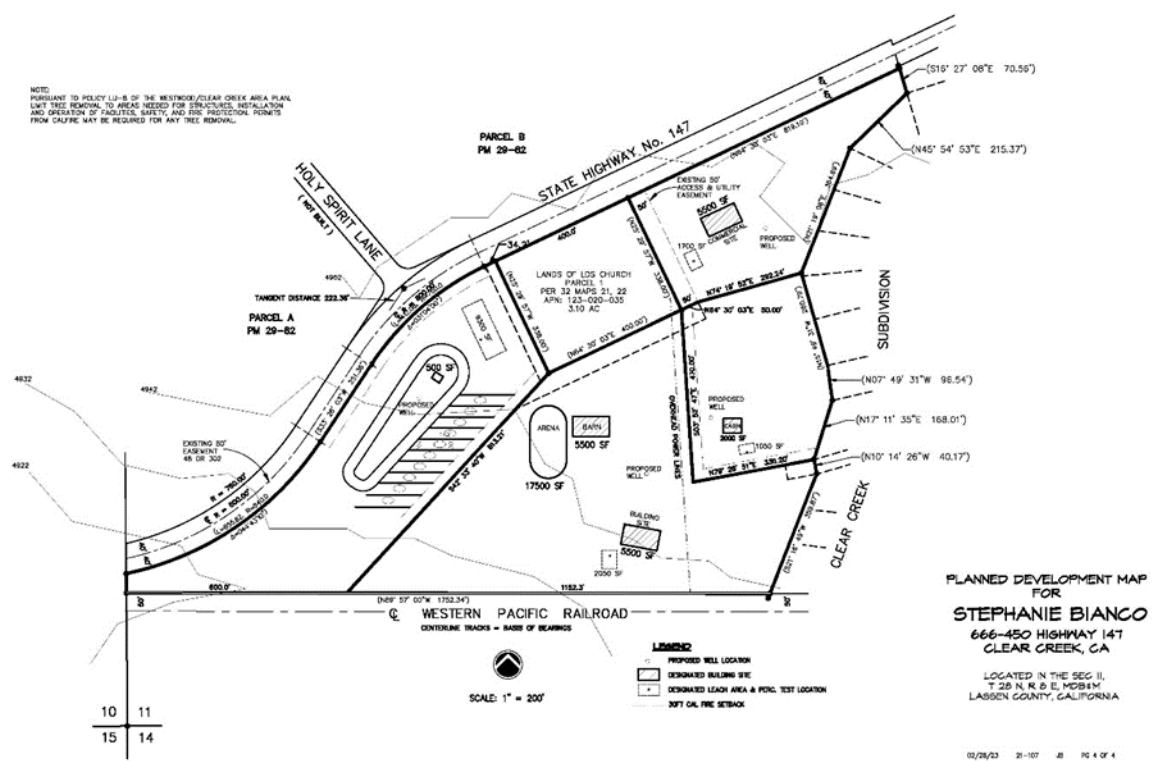
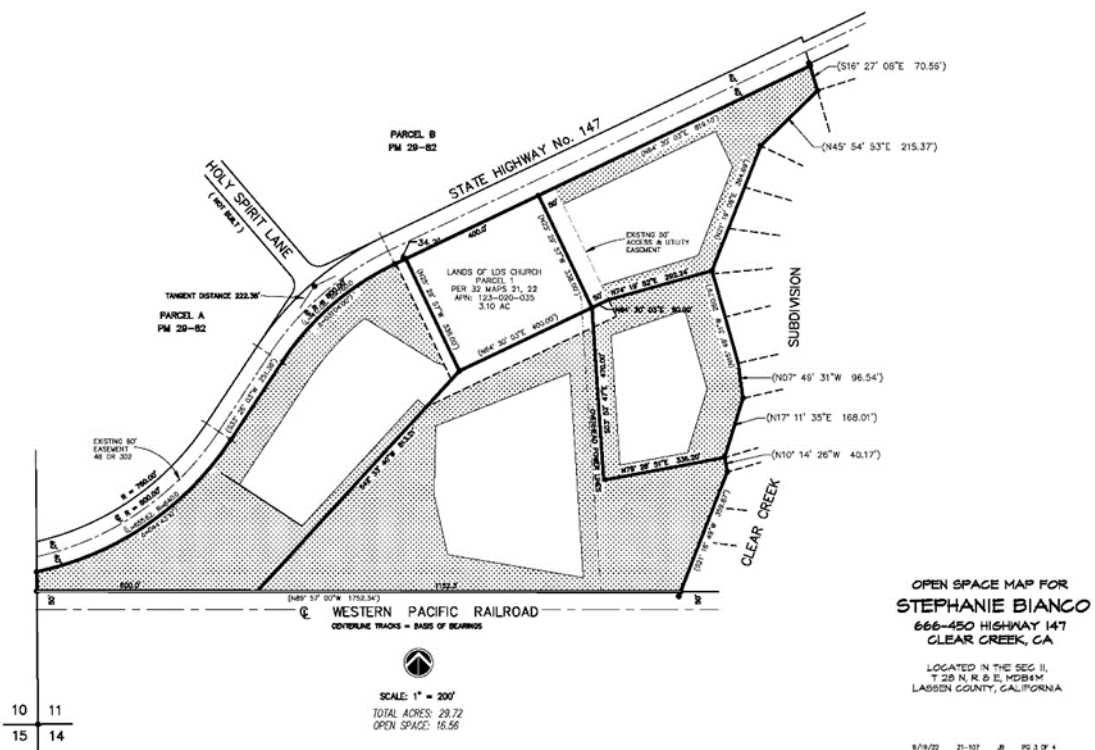
Initial Study #2022-002, Bianco





VICINITY MAP





RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING PLANNED DEVELOPMENT PERMIT #2022-002, TENTATIVE PARCEL MAP #2022-004, WITH CONDITIONS; AND ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted October 3, 2023, has considered the Planned Development #2022-001 and Tentative Parcel Map #2022-004, Janis Hill, allowing for a Planned Development, and Tentative Parcel Map (creating 4 parcels) for an undeveloped 29.72 -acre parcel near Clear Creek Ca. Proposed onsite developments include; two building sites for future residences (proposed parcels 3 and 4), an equestrian arena and barn (proposed parcel 3), one commercial property for proposed Bakery/Coffee Shop employing 3-4 people (proposed parcel 1), and a 10 space, full service (water, sewer, and power hookups) Recreational Vehicle (RV) park.; and

WHEREAS, Lassen County Code Section 18.116 grants the Planning Commission authority to approve or deny applications for Planned Development and sets forth mandatory conclusions and findings that the Planning Commission must make when considering a Planned Development application; and

WHEREAS, Lassen County Code Section 16.20 grants the Planning Commission authority to approve or deny applications for Tentative Parcel Maps; and

WHEREAS, the Environmental Review Officer of Lassen County has prepared an Initial Study and has given notice of preparation of a Mitigated Negative Declaration for adoption by the Planning Commission in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That, as conditioned, the Planned Development is consistent with the *Lassen County General Plan, 2000, Westwood Clear Creek Area Plan, 2002* and the provisions of Chapters 18.48 and 18.116 of the Lassen County Zoning Ordinance;
 - b. That through the discussion and analysis provided in the initial study, and through this resolution, the Planning Commission makes all necessary conclusions required at Lassen County Code Section 18.116(a) and findings required at Section 18.116(b).
 - c. That the Planned Development, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
 - d. That the Tentative Map as revised per the conditions of approval, substantially

complies with the provisions of Subdivision Map Act, Lassen County Code Title 16 (Subdivisions), the *Westwood Clear Creek Area Plan, 2002*, Lassen County Zoning Regulations and other applicable State Regulations;

- e. The mitigation measures presented in Exhibit B effectively reduce all identified potentially significant environmental impacts on the project area to a less than significant level;
3. The Planning Commission hereby approves Planned Development #2022-001, Tentative Parcel Map #2022-004, subject to the conditions of approval attached hereto as Exhibit A and Exhibit B.
4. The Planning Commission hereby adopts the Mitigated Negative Declaration as the environmental document for the project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of October, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL Planned Development #2022-001 and Parcel Map #2022-004

1. Noncompliance with any of the following conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060), and shall also constitute a public nuisance pursuant to Section 1.18 of Lassen County Code.
2. The Planned Development shall be granted for the use as described in this project description and application and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require an amendment Planned Development subject to the approval of the Planning Commission.
3. As required by Lassen County Code Section 1.35, prior to completion of any of the pre-operational conditions of this development permit (hereafter referred to as "Project"), the applicant shall provide an executed indemnity agreement, on a form approved by Lassen County Counsel, that obligates the applicant to defend, indemnify, and hold harmless (including legal fees and costs) Lassen County and its agents, officers, and employees from and against any and all claims, actions, or proceedings against Lassen County and its agents, officers, and employees including, but not limited to, efforts to attack, set aside, void, or annul the project or any prior or subsequent development approvals regarding the project or project condition imposed by Lassen County or any of its agencies, departments, commissions, agents, officers or employees concerning the said project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the project, including any claim for private attorney fees claimed by or awarded to any party from Lassen County.

Pre-Operational Conditions (Must be satisfied before issuance of the Authorization to Operate for Planned Development Permit)

4. Owner, owner's agent(s) or applicant shall satisfy and the project shall meet all applicable requirements provided by law.
5. The applicant shall record, with the Lassen County Recorder, a Planned Development Document, listing all of the conditions (both pre-operational and operational) and restrictions provided through this resolution.
6. Owner, owner's agent(s) or applicant 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. 2022-004 have been satisfied or fulfilled.
7. The parcel shall be subdivided as shown on the tentative parcel map prepared by NST Engineering, Inc., the final version for which was submitted on March 3, 2023 for Parcel Map No.2022-004.
8. Owner shall cause a field survey of the parcels shown on the tentative parcel map submitted for Parcel Map No. 2022-004 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.170 of the Lassen County Code.

9. 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. 2022-004, 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. 2022-004 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.
10. All rights-of-way within the subject property shall be offered for dedication to the County of Lassen in accordance with Section 16.32.070(b) of the Lassen County Code. Therefore, owner shall offer for dedication to the County of Lassen easements, 60 feet in width, for public road and public utility purposes, over those portions of the subject property that are shown as access and utility easements on the tentative parcel map that was submitted for Parcel Map No. 2022-004.
11. An access road shall be constructed from the southerly terminus of the existing paved road, which is located within a portion of the "Existing 50' Access & Utility Easement" shown on the tentative parcel map submitted for Parcel Map No. 2022-004, to the easterly boundary line of Proposed Parcel Two, as said parcel is shown on said tentative parcel map. Said access road shall be located within the access and utility easements that are shown on said tentative parcel map to provide physical access to all proposed parcels and the access road shall be improved to the standard of an "Unpaved Rural Street" in accordance with Section 16.32.090(4) and Section 16.32.110 of the Lassen County Code. This road type requires right-of-way widths of 60 feet wide per said Section 16.32.090(4). Also note that this parcel map proposal is being processed concurrently with Planned Development Permit No. 2022-001, which may impose additional requirements beyond those listed here, and that all of its requirements will need to be completed in addition to those for the parcel map.
12. A Registered Civil Engineer shall certify that the road improvements required by Condition of Approval Number Seven have been constructed to the standard of an "Unpaved Rural Street," as specified in Sections 16.32.090(4) and 16.32.110 of the Lassen County Code. This certification shall also specify that any drainage concerns have been addressed so as not to adversely affect any adjoining properties.
13. The owner shall enter into a private Road Maintenance Agreement for the privately maintained roadway required by Condition of Approval Number Seven, in accordance with Section 845(b) of the California Civil Code. This document shall be submitted to the Planning and Building Services Department for review and approval prior to concurrent recordation with Parcel Map No. 2022-004 in the Official Records of Lassen County.
14. Owner, owner's agent(s) or applicant 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 16.20.180 and 16.20.190, 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. 2022-004, 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. 2022-004.
 - (b) All information required by Lassen County Code, Chapter 16.20, Sections 16.20.190, 16.20.200 and 16.20.210.

- (c) An index of specific recorded survey maps (i.e. Records of Survey, parcel maps, subdivision maps, GLO 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.
15. 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 16.20.220, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-004 have been acceptably met, the owner, owner's agent(s) or applicant shall submit an original mylar of the parcel map, corrected to its approved final form and signed by all parties required to execute the certificates on the map, to the County Surveyor for recording in the office of the Lassen County Recorder in accordance with Lassen County Code, Sections 16.20.230 and 16.20.240. 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.
 16. 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 16.20.190(c)(2) of the Lassen County Code.
 17. Prior to recordation of Parcel Map No. 2022-004, 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.
 18. A note shall be added to Sheet 4 of the Final map stating that prior to development, the (2) residential parcels must be included into the Clear Creek Community Services District for Fire Protection. The Recorded Planned Development Permit shall also include this measure as a condition.
 19. All development shall be confined to the identified building sites on each of the proposed parcels. These areas shall be incorporated into the final map. The Recorded Planned Development Permit shall also include this measure as a condition.
 20. All area outside of the designated building sites shall be preserved as "open space" as defined in section 18.48.040 (2) of the Lassen County Code. These areas shall be incorporated into the final map. The Recorded Planned Development Permit shall also include this measure as a condition.
 21. Prior to recordation of the final map and authorization to operate the Planned Development, an adequately maintained and continuously available emergency fire escape road shall be available and approved by the Fire Warden. Said emergency "fire escape road" requires a minimum twenty-foot right-of-way with a sixteen-foot-wide roadbed. The right-of-way may be a deeded easement or an alternative acceptable to the department of public works. Emergency fire escape roads are to be posted with an approved sign.
 22. The operator of the RV Park shall demonstrate compliance with all applicable HCD regulations and shall secure all necessary permits from HCD. The Recorded Planned Development Permit shall include this measure as a condition.

23. The applicant shall secure all required approvals from the Central Valley Regional Water Quality Control Board, Lassen County Environmental Health, and the California Department of Housing and Community Development for the proposed project and its related septic systems. The Recorded Planned Development Permit shall also include this measure as a condition.
24. If leachfield capabilities are found to be inadequate, the applicant shall conduct site-specific water supply evaluations of ground water quantity and direction of movement, site-specific soils investigations on suitability for disposal of sewage or septic tank effluent as well as depth to groundwater (so as not to impair water quality), and ensure the provision of an appropriate method for treating and disposing of wastewater, which has been carefully reviewed and engineered to ensure safety and reliability,. The Recorded Planned Development Permit shall include this measure as a condition.
25. The applicant will work with nearby water suppliers (i.e. Clear Creek CSD) for service. If connection to an existing system is not feasible the applicant is required to secure all necessary permits from the Division of Drinking Water.
26. Prior to operation of the RV park and equestrian arena the road accessing said facilities shall be paved, in addition, wet suppression shall be required/ and the operator shall demonstrate its availability to the equestrian arena and individual RV spaces. Violation of any air quality standards, including fugitive dust emissions, which originate from, or are a result of operations under this Planned Development Permit shall be grounds for revocation. The Recorded Planned Development Permit shall include this measure as a condition.
27. Prior to recordation of the final map and authorization to operate the Planned Development, the property owner shall obtain, and provide to the Department, all required permits and approvals from Caltrans for use of the existing encroachment on to SR 147. The Recorded Planned Development Permit shall include this measure as a condition.
28. Prior to construction or ground disturbing activity and/or issuance of Authorization to Operate, a qualified Biologist prepare biological assessment which includes the following: a description of the natural environment at the site, a list special status plants and wildlife common to the area (this should include bumble bee), a habitat survey to determine the potential for presence of special status species (including bumble bee habitat), and an assessment of rare plants and sensitive natural communities conducted following the Department's March 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, and, if habitat is determined to be present for special status wildlife, a focused species-specific surveys shall be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures (including those for bumble bee) should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Operational Conditions
(Must be satisfied during operation of the Planned
Development Permit)

29. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services and/or the California Department of Housing and Community Development.
30. All construction shall be subject to design review, and adhere to applicable standards from the Westwood Design Guidelines. Reflective roofing and building materials shall be prohibited. The Recorded Planned Development Permit shall include this measure as a condition.

31. To avoid impacts to nesting birds and/or raptors protected under Fish & G. Code, §§ 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented:
 - a. Vegetation removal, and other ground-disturbing activities, should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
 - b. If vegetation removal or ground disturbing activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.
32. The zoning restrictions of the R-1 district shall be imposed on proposed parcels 2, 3, and 4; and the zoning restrictions of the C-L zoning district shall be imposed on proposed parcel 1. The Recorded Planned Development Permit shall also include this measure as a condition.
33. Accessory uses on the residential parcels (proposed parcels 3 and 4) are prohibited until establishment of a Single Family Residence. This includes keeping of horses, and construction and operation of the proposed horse arena.
34. As shown on the Final Map and as stated in the Recorded Planned Development Permit, all development shall be confined to the identified building sites on each of the proposed parcels.
35. As shown on the Final Map, and as stated in the Recorded Planned Development Permit, all area outside of the designated building sites shall be preserved as “open space” as defined in section 18.48.040 (2) of the Lassen County Code.
36. A private fire protection system shall be installed and maintained consisting of hydrant risers connected to the park water main or a separate system capable of delivering seventy-five gallons per minute at thirty pounds per square inch for a period of two hours with at least two lines open, in addition to the normal requirement of the park, and with the hydrants located within one hundred feet of each lot. Each hydrant shall be provided with an approved one and one-half inch national standard male outlet and shall have connected thereto one hundred feet of one and one-half inch synthetic, single jacketed fire hose with an approved nozzle. Fire hose shall be mounted on an approved hose rack or reel enclosed in a wooden or metal cabinet which shall be painted red and marked “FIRE HOSE” in four-inch letters of contrasting color. An annual check of this system will be required of the property owner. The Recorded Planned Development Permit shall include this measure as a condition.
37. Harvesting or removal of healthy trees by the property owner, for any purpose, shall only occur within the proposed building site, and may require approval from Cal Fire. This measure will not preclude any harvesting prescribed/ordered by Cal Fire or a certified silviculturist to protect forest health and/or prevent the spread of wildfire. The Recorded Planned Development Permit shall include this measure as a condition.
38. Any landscaping proposed for parcels 1 and 2 shall be submitted and approved by the County. The Recorded Planned Development Permit shall include this measure as a condition.
39. Signs shall be subject to approval through Section 18.106 of the Lassen County Code. The Recorded Planned Development Permit shall include this measure as a condition.
40. According to Standard N-1 of the Lassen County Noise Element, 2021, noise from commercial uses shall not exceed an hourly average interior noise standard of 50 dBA or an hourly average

exterior noise standard of 75 dBA. Furthermore, for residential land uses, noise generated shall not exceed 45 dBA for interior, or 65 dBA for outdoors. According to Lassen County Code Section 9.65.040, noise in the P.U.D zoning district shall be deemed a public nuisance if exceeding the one-hour average sound level limit of 65 dBA between 7:00 a.m. and 7:00 p.m., 60 dBA between 7:00 p.m. and 10:00 p.m., or 55 dBA between 10:00 p.m. and 7:00 a.m.

41. Length of stay per individual occupant of the proposed RV Park shall be limited to 120 days in any 12 month period. This mitigation shall also be included as a condition of the Recorded Planned Development permit.
42. Sewage dumping at the proposed RV Park shall only be permitted for occupants of said RV Park. The Recorded Planned Development Permit shall include this measure as a condition.
43. Smoking within the proposed park shall only be allowed in designated areas over impervious surfaces. This measure shall be included as a condition of the Recorded Planned Development Permit.
44. Fire rings at the RV Park are prohibited, unless demonstrated to be approved by Cal Fire. This measure shall be included as a condition of the Recorded Planned Development Permit.
45. The proposed project shall utilize only one existing overhead power line to bring power to the project site, lines to individual powered RV sites, residences, commercial spaces, and accessory structures will be required to run underground. This measure shall be included as a condition of the Recorded Planned Development Permit.
46. All recreational vehicles (RVs) visiting the project site shall be properly registered and in operable condition or shall be subject to abatement in accordance with Lassen County Code Chapter 1.19. This measure shall be included as a condition of the Recorded Planned Development Permit.
47. Pursuant to Lassen County Code Section 18.108.155, all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets. This measure shall be included as a condition of the Recorded Planned Development Permit.
48. In the event that any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts cultural resources to a less than significant level.

EXHIBIT B
CONDITIONS OF APPROVAL
(Incorporated in Exhibit A)
FROM MITIGATION MEASURES IS #2022-003

- LU-1/HAZ-1 A note shall be added to Sheet 4 of the Final map stating that prior to development, the (2) residential parcels must be included into the Clear Creek Community Services District for Fire Protection. The Planned Development Permit shall also include this measure as a condition.
- LU-2/AES-1 All construction shall be subject to design review, and adhere to applicable standards from the Westwood Design Guidelines. Reflective roofing and building materials shall be prohibited. The Planned Development Permit shall include this measure as a condition.
- LU-3 The zoning restrictions of the R-1 district shall be imposed on proposed parcels 2, 3, and 4; and the zoning restrictions of the C-L zoning district shall be imposed on proposed parcel 1. The Planned Development Permit shall also include this measure as a condition.
- LU-4/AES-2 All development shall be confined to the identified building sites on each of the proposed parcels. These areas shall be incorporated into the final map. The Planned Development Permit shall also include this measure as a condition.
- LU-5/AES-3 All area outside of the designated building sites shall be preserved as “open space” as defined in section 18.48.040 (2) of the Lassen County Code. These areas shall be incorporated into the final map. The Planned Development Permit shall also include this measure as a condition.
- LU- 6/HAZ-2 A private fire protection system shall be installed and maintained consisting of hydrant risers connected to the park water main or a separate system capable of delivering seventy-five gallons per minute at thirty pounds per square inch for a period of two hours with at least two lines open, in addition to the normal requirement of the park, and with the hydrants located within one hundred feet of each lot. Each hydrant shall be provided with an approved one and one-half inch national standard male outlet and shall have connected thereto one hundred feet of one and one-half inch synthetic, single jacketed fire hose with an approved nozzle. Fire hose shall be mounted on an approved hose rack or reel enclosed in a wooden or metal cabinet which shall be painted red and marked “FIRE HOSE” in four-inch letters of contrasting color. An annual check of this system will be required of the property owner. The Planned Development Permit shall include this measure as a condition.
- LU-7/HAZ-3 Prior to recordation of the final map and authorization to operate the Planned Development, an adequately maintained and continuously available emergency fire escape road shall be available and approved by the Fire Warden. Said emergency “fire escape road” requires a minimum twenty-foot right-of-way with a sixteen-foot-wide roadbed. The right-of-way may be a deeded easement or an alternative acceptable to the department of public works. Emergency fire escape roads are to be posted with an approved sign.
- LU-8/AES-4 Harvesting or removal of healthy trees by the property owner, for any purpose, shall only occur within the proposed building site, and may require approval from Cal Fire. This measure will not preclude any harvesting prescribed/ordered by Cal Fire or a certified silviculturist to protect forest health and/or prevent the spread of wildfire. The Planned Development Permit shall include this measure as a condition.
- LU-9/AES-5 Any landscaping proposed for parcels 1 and 4 shall be submitted and approved by the County. The Planned Development Permit shall include this measure as a condition.
- LU-10 The operator of the RV Park shall demonstrate compliance with all applicable HCD regulations and shall secure all necessary permits from HCD. The Planned Development Permit shall include this

measure as a condition.

- LU -11/AES-9 Signs shall be subject to approval through Section 18.106 of the Lassen County Code. The Planned Development Permit shall include this measure as a condition.
- POP-1 Length of stay per individual occupant of the proposed RV Park shall be limited to 120 days in any 12 month period. This mitigation shall also be included as a condition of the Planned Development permit
- GEO/HYDRO-1 The applicant shall secure all required approvals from the Central Valley Regional Water Quality Control Board, Lassen County Environmental Health, and the California Department of Housing and Community Development for the proposed project and its related septic systems. The Planned Development Permit shall also include this measure as a condition.
- GEO/HYDRO-2 If leachfield capabilities are found to be inadequate, the applicant shall conduct site-specific water supply evaluations of ground water quantity and direction of movement, site-specific soils investigations on suitability for disposal of sewage or septic tank effluent as well as depth to groundwater (so as not to impair water quality), and ensure the provision of an appropriate method for treating and disposing of wastewater, which has been carefully reviewed and engineered to ensure safety and reliability,. The Planned Development Permit shall include this measure as a condition
- GEO/HYDRO-3 Sewage dumping at the proposed RV Park shall only be permitted for occupants of said RV Park. The Planned Development Permit shall include this measure as a condition.
- AIR-1 Prior to operation of the RV park and equestrian arena the road accessing said facilities shall be paved, in addition, wet suppression shall be required/ and the operator shall demonstrate its availability to the equestrian arena and individual RV spaces. Violation of any air quality standards, including fugitive dust emissions, which originate from, or are a result of operations under this Planned Development Permit shall be grounds for revocation. The Planned Development Permit shall include this measure as a condition.
- TRAFFIC-1 Prior to recordation of the final map and authorization to operate the Planned Development, the property owner shall obtain, and provide to the Department, all required permits and approvals from Caltrans for use of the existing encroachment on to SR 147. The Planned Development Permit shall include this measure as a condition.
- BIO-1 Prior to construction or ground disturbing activity and/or issuance of Authorization to Operate, a qualified Biologist prepare biological assessment which includes the following: a description of the natural environment at the site, a list special status plants and wildlife common to the area, a habitat survey to determine the potential for presence of special status species, and an assessment of rare plants and sensitive natural communities conducted following the Department's March 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, and, if habitat is determined to be present for special status wildlife, a focused species-specific surveys shall be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
- FIRE-1 A mitigation measure will be implemented to require that smoking within the proposed park only be allowed in designated areas over impervious surfaces. This measure shall be included as a condition of the Planned Development Permit
- FIRE-2 Fire rings at the RV Park are prohibited, unless demonstrated to be approved by Cal Fire. This measure shall be included as a condition of the Planned Development Permit.
- FIRE-3/AES-6 The proposed project shall utilize only one existing overhead power line to bring power to the project site, lines to individual powered RV sites, residences, commercial spaces, and accessory

structures will be required to run underground. This measure shall be included as a condition of the Planned Development Permit.

- AES-7 All recreational vehicles (RVs) visiting the project site shall be properly registered and in operable condition or shall be subject to abatement in accordance with Lassen County Code Chapter 1.19. This measure shall be included as a condition of the Planned Development Permit.
- AES-8 Pursuant to Lassen County Code Section 18.108.155, all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets. This measure shall be included as a condition of the Planned Development Permit.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION DISSAPPROVING
PLANNED DEVELOPMENT PERMIT #2022-002, TENTATIVE PARCEL MAP #2022-004.

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted October 3, 2023, has considered the Planned Development #2022-001 and Tentative Parcel Map #2022-004, Janis Hill, allowing for a Planned Development, and Tentative Parcel Map (creating 4 parcels) for an undeveloped 29.72 -acre parcel near Clear Creek Ca. Proposed onsite developments include; two building sites for future residences (proposed parcels 3 and 4), an equestrian arena and barn (proposed parcel 3), one commercial property for proposed Bakery/Coffee Shop employing 3-4 people (proposed parcel 1), and a 10 space, full service (water, sewer, and power hookups) Recreational Vehicle (RV) park.; and

WHEREAS, Lassen County Code Section 18.116 grants the Planning Commission authority to approve or deny applications for Planned Development and sets forth mandatory conclusions and findings that the Planning Commission must make when considering a Planned Development application; and

WHEREAS, Lassen County Code Section 16.20 grants the Planning Commission authority to approve or deny applications for Tentative Parcel Maps; and

WHEREAS, Pursuant to Section 15270 of the California Environmental Act (CEQA) Guidelines, CEQA does not apply to projects which are disapproved.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That, in the public interest, the Planning Commission is unable to make all necessary conclusions required at Lassen County Code Section 18.116(a).
 - b. That the Planned Development and Tentative Parcel Map, as conditioned, will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
3. The Planning Commission hereby denies disapproves Planned Development #2022-001, Tentative Parcel Map #2022-004.
4. The Planning Commission hereby concurs that CEQA does not apply to a project which is disapproved.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of October, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary