



County of Lassen
Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

November 19, 2020

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TO: Technical Advisory Committee
Agenda Date: December 3, 2020

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice Anderson, Director

RE: Recordation of Notice of Violation No. 2020-008 – Howard and Susan Waugh.
Assessor's Parcel Number: 053-030-43.

PROJECT DESCRIPTION: NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION NO. 2020-008, HOWARD AND SUSAN WAUGH. The Lassen County Technical Advisory Committee will receive and consider evidence to determine if a Notice of Violation should be recorded for a parcel of land that is 41.44 acres in size which is located approximately twelve miles northerly of the community of Spaulding, California. The subject property is located in a portion of Section 8, Township 34 North, Range 11 East, Mount Diablo Base and Meridian. The current zoning of the subject parcel is U-C-2 (Upland Conservation/Resource Management District) and is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*. A Notice of Violation will be recorded if the Technical Advisory Committee determines that the subject parcel was created in violation of the provisions of the California Subdivision Map Act. Assessor's Parcel Number: 053-030-43. Staff Contact: Don Willis, P.L.S., Lassen County Surveyor.

The Planning Division of the Planning and Building Services Department concurs with the Lassen County Surveyor that a Notice of Violation should be recorded for the above referenced property based on the evidence submitted by the Lassen County Surveyor.



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November 18, 2020

 **DRAFT**

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TO: Technical Advisory Committee
Agenda Date: December 3, 2020

FROM: Don Willis, Lassen County Surveyor

RE: Recordation of Notice of Violation No. 2020-008 – Howard and Susan Waugh.
Assessor's Parcel Number: 053-030-43.

Zoning & Building
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Phone: 530 257-5263

PROJECT DESCRIPTION: NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION NO. 2020-008, HOWARD AND SUSAN WAUGH. The Lassen County Technical Advisory Committee will receive and consider evidence to determine if a Notice of Violation should be recorded for a parcel of land that is 41.44 acres in size which is located approximately twelve miles northerly of the community of Spaulding, California. The subject property is located in a portion of Section 8, Township 34 North, Range 11 East, Mount Diablo Base and Meridian. The current zoning of the subject parcel is U-C-2 (Upland Conservation/Resource Management District) and is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*. A Notice of Violation will be recorded if the Technical Advisory Committee determines that the subject parcel was created in violation of the provisions of the California Subdivision Map Act. Assessor's Parcel Number: 053-030-43. Staff Contact: Don Willis, P.L.S., Lassen County Surveyor.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The parcel to be considered for Notice of Violation Number 2020-008 is known as Assessor's Parcel Number 053-030-43 and title is currently vested in Howard Gary Waugh and Susan Waugh, husband and wife, per a Quitclaim Deed recorded on September 22, 1997 in Book 674, Page 861, of the Official Records of Lassen County, California. Title is also vested in Howard Gary Waugh, a married man as his sole and separate property, per a Grant Deed recorded on October 22, 1992 in Book 564, Page 425, of the Official Records of Lassen County.
2. The legal description shown at the vesting deeds listed in Findings Item Number One above describes the subject property as Parcel 24 of a *Record of Survey* filed at Book 6 of Maps, Pages 40-42, of the Official Records of Lassen County. The subject parcel is 41.44 acres in size as shown on said Record of Survey and is located in a portion of Section 8, Township 34 North, Range 11 East, Mount Diablo Base and Meridian.
3. The subject parcel, along with Parcel 29 of said Record of Survey, was first separately conveyed by a Grant Deed recorded on March 8, 1974 in Book 276, Page 98, of the Official Records of Lassen County. This action resulted in a violation of the Subdivision Map Act because a Record of Survey is, and has never been, a creating document for the creation of parcels. This conveyance would have had to have been recorded prior to March 4, 1972 in order to legitimately create the parcels by recordation of a deed. Any land division completed after March 4, 1972 would need to be accomplished by filing either a parcel map or a final map which has received approval from a local agency. Prior to recordation of this deed, the subject parcel had been included with numerous other parcels shown on said Record of Survey as evidenced by a Corporation Grant Deed that was recorded on October 22, 1969 in Book 232, Page 179, of the Official Records of Lassen County. The legal description within this deed describes a

multitude of parcels that are shown on said Record of Survey, along with various adjoining lands in neighboring sections. Since a Record of Survey is not, and has never been, a parcel creating document and no parcel map was filed, a violation of the Subdivision Map Act has been determined to have occurred when the two subject parcels were separately conveyed in 1974.

4. Interestingly, a second division of land occurred in 1992 when Parcel 24 and Parcel 29 of said Record of Survey were separated from each other. This is evidenced by a Grant Deed that was recorded on February 10, 1992 in Book 549, Page 835, of the Official Records of Lassen County. This violation would be considered secondary to the first violation that occurred in 1974.
5. The land division that occurred in 1974, as described in Findings Item Number Three above, was completed without the approval of a final map or parcel map and is therefore not in compliance with the provisions of the Subdivision Map Act (Government Code Sections 66410, et seq.) and Lassen County Subdivision Ordinance 409 (the ordinance in effect at the time of the violation).
6. The current owners of the subject property are *not* the same owners that created the original violation. Lassen County Subdivision Ordinance 475A was the ordinance in effect at the time when Howard Gary Waugh acquired his interest in the property in 1992 and was the ordinance in effect when Howard Gary Waugh and Susan Waugh acquired their interests in the property in 1997.
7. A Notice of Intent to Record Notice of Violation No. 2020-008 was sent to the record owners, Howard and Susan Waugh, by certified mail on October 6, 2020.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR
NOTICE OF VIOLATION NO. 2020-008 (HOWARD AND SUSAN WAUGH):**

1. Based on the findings made above, the Lassen County Surveyor recommends that the Technical Advisory Committee approve recordation of a Notice of Violation for that certain parcel known as Assessor's Parcel Number 053-030-43, currently owned by Howard Gary Waugh and Susan Waugh, husband and wife, as described in a Quitclaim Deed recorded on September 22, 1997 in Book 674, Page 861, of the Official Records of Lassen County, California. Title is also currently vested in Howard Gary Waugh, a married man as his sole and separate property, per a Grant Deed recorded on October 22, 1992 in Book 564, Page 425, of the Official Records of Lassen County.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor