



## County of Lassen

### Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

November 16, 2020

**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: December 3, 2020

FROM: Maurice L. Anderson, Director

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

RE: **USE PERMIT #2020-003, Dowell.** Proposal to construct a 1,400-square-foot stick-built second dwelling unit, along with an attached 168 square-foot front porch. The subject parcel is zoned A-1 (General Agricultural District) and has either an "Intensive Agriculture" or "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15303 of the 2020 CEQA Guidelines. The subject parcel is located approximately 1.5 miles south of Nubieber at 548-343 Babcock Cinder Road, Nubieber, CA 96068. APN: 013-040-46. Staff Contact: Stefano Richichi, Senior Planner

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

1. The subject parcel is zoned A-1 (General Agricultural District).
2. The subject parcel has either an "Intensive Agriculture" or "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*.
3. The existing meadow at the subject parcel is within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA), as it appears to contain a spring; however, the location of the proposed second residence is not in the 100-year flood zone.
4. The subject parcel is approximately 38.84 acres in size.
5. The applicant is proposing to construct a 1,400-square-foot stick-built second dwelling unit, along with an attached 168 square-foot front porch.
6. According to Lassen County Code Section 18.108.270, "...in any zone on a parcel of land where there is in existence a legally-established 'single-family dwelling,' as defined in this title, a 'second dwelling unit,' may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of [Title 18 of the Lassen County Code]."
7. Furthermore, according to Lassen County Code Section 18.108.270(2), in zones other than R-1 zones, such second dwelling unit shall be subject to the following:
  - (a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

- (b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.
  - (c) One additional off-street parking space shall be required.
  - (d) Second dwelling unit must be individually approved by the county health department.
  - (e) Design review shall be required.
- 8. Unless the Planning Commission finds otherwise, parking at the site is adequate such that an additional off-street parking space is not necessary.
  - 9. This use permit application also serves the purposes of design review.
  - 10. The proposed project meets the architectural requirements found at Lassen County Code Section 18.108.235<sup>1</sup>.
  - 11. The proposed project is consistent with the development standards set forth for the A-1 district found at Lassen County Code Section 18.16.060.
  - 12. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
  - 13. The land use element of the *Lassen County General Plan, 2000* describes the “Extensive Agriculture” land use designation as follows:

***Extensive Agriculture***

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

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<sup>1</sup> According to the applicant, the proposed residence has 12-inch roof overhangs on the sides and gabled ends, wood composite siding, and an 8 in 12 roof pitch.



*Corresponding Zoning: 'U-C' Upland Conservation District, 'U-C-2' Upland Conservation/Resource Management District; 'TPZ' Timber Production Zone*

14. The land use element of the *Lassen County General Plan, 2000* describes the “Intensive Agriculture” land use designation as follows:

***Intensive Agriculture***

*The Intensive Agriculture designation identifies lands devoted to or having high suitability potential for the growing of crops and/or the raising of livestock on natural or improved pasture land. It requires the provision of parcel sizes large enough to support agricultural land use and production. Intensive Agriculture areas also provide a variety of open space resources including wildlife habitat and scenic resources...*

*Corresponding Zoning: “E-A”, Exclusive Agriculture District; “A-3”, Agricultural District; “U-C”, Upland Conservation District; “U-C-2”, Upland Conservation/Resource Management District.*

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

**Designation of Land Uses**

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

**1. ISSUE: Land Use Compatibility**

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

**2. ISSUE: Growth and Development**

- *GOAL L-5: Orderly, contiguous growth and appropriate land-conserving densities as an alternative to sprawl and “leap-frog” development.*

- *LU-8 POLICY: Future residential development should consist of the expansion of, or be located adjacent to, existing communities, designated rural centers, and established residential areas. An increasing number of small, isolated housing tracts in outlying areas shall be discouraged since they are difficult to provide with urban services and they tend to disrupt the surrounding rural and productive activity of ranches, forests and farms.*

### **3. ISSUE: Housing**

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

### **4. ISSUE: Neighborhood Quality**

- *GOAL L-8: Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County.*



- *LU21 POLICY: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.*
- *GOAL L-9: Protection of the open, rural character of the county.*
- *LU22 POLICY: The County shall encourage expansion of existing residential areas and discourage sprawl and scattered development.*
- *GOAL L-10: Reasonable development and design review standards which protect communities from poorly designed development which detracts from the overall quality of the area.*

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

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

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



## County of Lassen

### Department of Planning and Building Services

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November 13, 2020

 **DRAFT**

**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: December 3, 2020

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit No. 2020-003 – Kerry Dowell.  
Assessor's Parcel Number: 013-040-46.

#### **LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:**

1. The subject parcel is known as Assessor's Parcel Number 013-040-46 and title is currently vested in Kerry Dowell, an unmarried man, as shown at an Interspousal Quitclaim Deed recorded on March 6, 2015 as Document No. 2015-00853 of the Official Records of Lassen County, California.
2. The subject parcel is located in a portion of Section 4, Township 37 North, Range 7 East, Mount Diablo Base and Meridian, in the Nubieber area of Lassen County, California.
3. The legal description for the parcel noted in Findings Item Number One above describes the subject property as that portion of the Southwest one-quarter of the Northeast one-quarter (SW1/4 NE1/4) of said Section 4, lying southwesterly of a line drawn parallel with and distant 100.0 feet southwesterly of, as measured at right angles, to the Burlington Northern Railroad Company's main track centerline. A second parcel is also described in the legal description as the Southeast one-quarter of the Northwest one-quarter (SE1/4 NW1/4) of said Section 4, however this is a separate legal parcel which has been issued a Certificate of Compliance. This is evidenced by Certificate of Compliance No. 2010-039 which was recorded on July 15, 2010 as Document No. 2010-03489 of the Official Records of Lassen County.
4. The subject parcel was created in compliance with the provisions of the Subdivision Map Act and local ordinances. This is based on Lot Line Adjustment No. 920032 which created the subject parcel. The adjustment was approved by the Lassen County Technical Advisory Committee on September 15, 1992 and the Consent of Record Owners document was recorded on October 26, 1992 in Book 564, Page 508, of the Official Records of Lassen County. Resultant Parcel Four of this document describes the subject property.
5. The subject parcel is accessed by Babcock Road, County Road No. 439, which is in the County maintained road system and traverses through the easterly portion of the subject

property. Babcock Cinder Road also traverses through the property however this is no longer a County maintained road because it has been removed from the County maintained road system per the Lassen County Public Works Department. The current Assessor's Parcel Map (13-04) shows this road as being County maintained and it has been requested that this designation be removed.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS  
FOR USE PERMIT NO. 2020-003 (KERRY DOWELL):**

1. None.

Respectfully submitted,



Don Willis, L.S. 7742  
Lassen County Surveyor



Use Permit #2020-003, Dowell







# USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381  
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

SEP 21 2020

LASSEN COUNTY DEPARTMENT C  
PLANNING AND BUILDING SERVICE

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.  
This application consists of one page; only attach additional sheets if necessary.

FILE NO. JP #2020-003

Property Owner/a	Property Owner/s
Name: <u>Kerry Dowell</u>	Name:
Mailing Address: <u>P.O. Box 134</u>	Mailing Address:
City, ST, Zip: <u>NuBieber, CA, 96068</u>	City, ST, Zip:
Telephone: <u>530-260-0839</u> Fax:	Telephone: Fax:
Email: <u>Kerrybdowell@yahoo.com</u>	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input checked="" type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name:	Name:
Mailing Address:	Mailing Address:
City, ST, Zip:	City, ST, Zip:
Telephone: Fax:	Telephone: Fax:
Email:	Email: License #:

Project Address or Specific Location:	
Deed Reference: Book: <u>2015-00853</u> Page:	Year: Doc#:
Zoning:	General Plan Designation:
Parcel Size (acreage): <u>38.84 acres</u>	Section: <u>4</u> Township: <u>37N</u> Range: <u>7E</u>

Assessor's Parcel Number(s):	- -	- -	- -
<u>013-040-46-11</u>	- -	- -	- -

Project Description: <u>Permit to add another residence to parcel 013-040-46-11 (Manufactured home)</u>	RECEIVED
	MAY 26 2020
LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES	

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> 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.	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
<u>[Signature]</u> Date: <u>5-16-2020</u>	Date:
Date:	Date:

See associated process form for required attachments and instructions.



## USE PERMIT SECOND DWELLING SUPPLEMENT

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

FILE NO. \_\_\_\_\_

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages.

Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. **Proposed timeframe for the project and completion of each major phase if applicable (i.e., when structures and improvements will be completed):** Project should be completed with in 24 months.
2. **Describe surrounding land uses (e.g., residential, commercial, agricultural, etc.). Please be as specific as possible.**  
North: Agricultural and grazing  
South: Agricultural and grazing  
East: Railroad, Agricultural and grazing  
West: Agricultural and grazing
3. **Describe existing structures and improvements including their square footage:** manufactured home - 1,780 sq.ft, well house - 36 sq.ft.
4. **Maximum height (in feet) of existing structures:** manufactured home - 16ft, well house - 10'6"
5. **Maximum height of proposed Dwelling:** 16 feet
6. **Describe any existing structures to be removed:** None
7. **Proposed Dwelling Type:** Conventional Home ☒ Manufactured Home ☐\*
8. **If a manufactured, manufactured date:** \_\_\_\_\_  
\*Note: Manufactured homes must have been manufactured on or after September 1, 2008, to be placed in a Fire Responsibility Area designated as a SRA (State Responsibility Area) or a LRA (Local Responsibility Area) with a "very high" fire hazard designation. If not in an SRA area or a LRA-very high, the date of manufacture can be no more than 20 years prior to the date of building permit application. (Ord. 467-AF)  
**Type of foundation:** Pier set ☐ Permanent ☐ Other ☐
9. **Proposed Dwelling Dimensions:** 40' x 50' **Proposed Dwelling Area (sq.ft):** 2,000 sq.ft

SEP 21 2020



**10. Will the project include or result in grading, including anticipated grading at project buildout?**

☒ No

If yes, approximate total surface area to be disturbed by site grading:

sq. ft. or \_\_\_\_\_ acres

Quantity of cut: \_\_\_\_\_ cubic yards      Quantity of fill: \_\_\_\_\_ cubic yards

11. Percentage of site to be covered by impervious surfaces (e.g., roads, driveways, and structures), including estimated impervious surfaces at project buildout: None

**Number of proposed parking spaces:** None

(Parking requirements are found at chapter 18.104 of the Lassen County Code.)

**Describe surfacing of parking area:** None

12. Describe proposed exterior lighting, including location (attach lighting diagram if applicable): *None*

**13. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements.**

**14. Please indicate how the following services will be provided to serve the project, including name of the service provider:**

PG & F

Underground ☒ Overhead ☐

None

Underground ☐ Overhead ☐Existing Well ☒

New Well(s) ☐

Community Water ☐Other ☐

Number of dwellings/structures currently served by existing well: 1

**Sewage Disposal:** Individual Septic System ☒ Community Sewer ☐ Shared Septic System ☐

**If individual septic systems are proposed, has soil testing been performed to determine soil**

**suitability?**   ☐ Yes        ☒ No        If yes, please attach

**Solid Waste Disposal:** Private Septic System

LP/Natural Gas: None

If an extension of utility lines is necessary, indicate which services and the distance of the extension: None

**15. Please provide the names of the following districts, if applicable:**

**High School:** Big Valley Joint Unified School District

Elementary School: 11

**Fire Protection:** Bieber Volunteer fire Department / Cal fire

Community Services District: None

Water: Private existing well

Sewer: Private septic system

Other: \_\_\_\_\_

16. List all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required: Lassen County Building Department



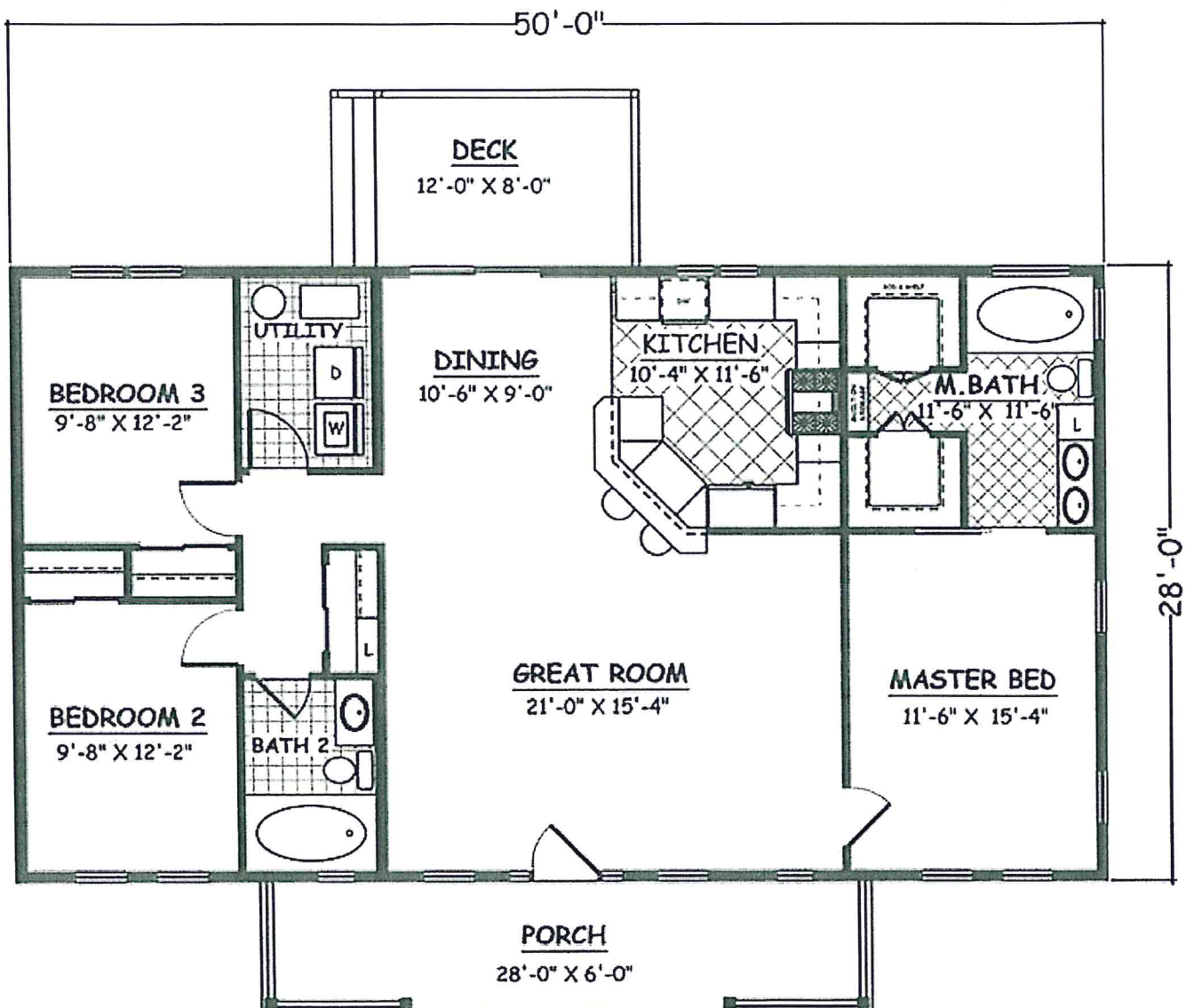
Stefano Richichi

NOV 04 2020

From: Kerry Dowell <kerrybdowell@yahoo.com>  
 Sent: Tuesday, November 3, 2020 5:48 PM  
 To: Stefano Richichi  
 Subject: Re: Use Permit Application for Second Residence at 548-343 Babcock Cinder Road,  
 Nubieber (APN 013-040-46)

LASSEN COUNTY DEPARTMENT OF  
 PLANNING AND BUILDING SERVICES

This message comes from an external sender. EXTERNAL SENDER WARNING!





Sent from Yahoo Mail for iPhone

On Monday, November 2, 2020, 8:19 AM, Stefano Richichi <[SRichichi@co.lassen.ca.us](mailto:SRichichi@co.lassen.ca.us)> wrote:

Hi Kerry,

I don't think the picture attached. Do you mind resending it?

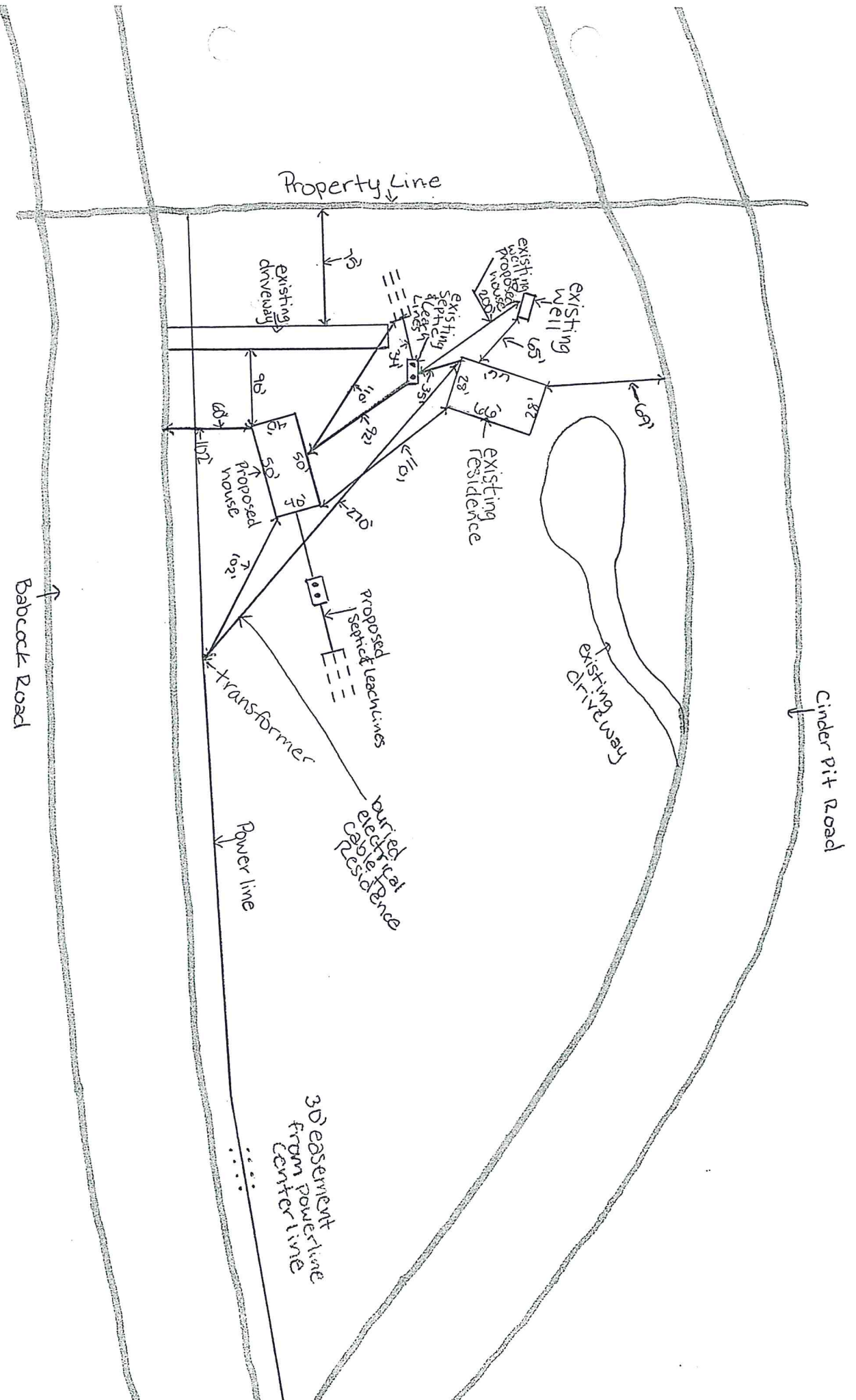
Stefano M. Richichi

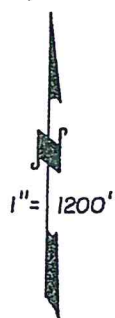
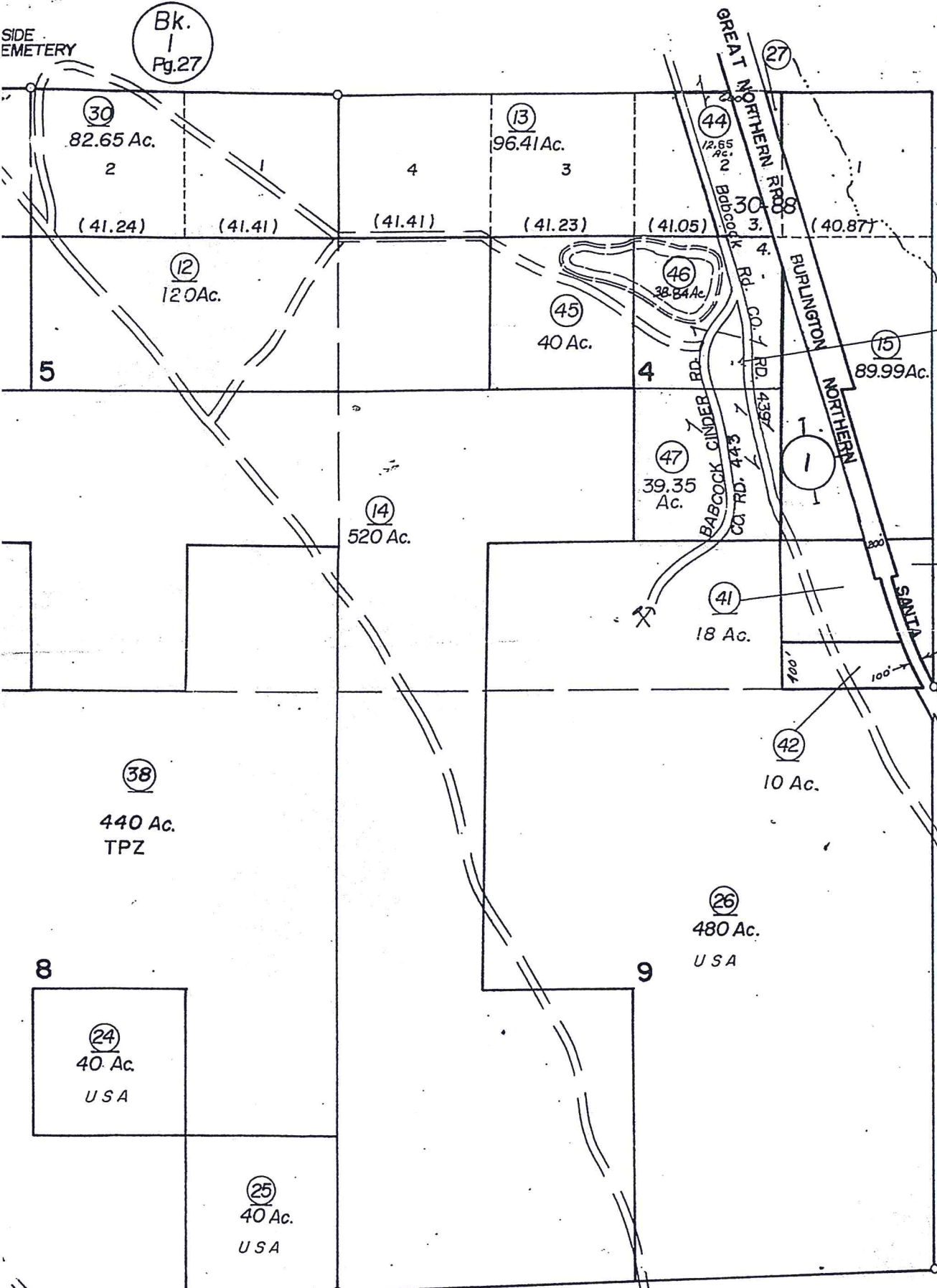
Senior Planner

Lassen County Planning & Building Services



# Plot Plan ( Parcel # 013-040-46-11 )





approx location of 2nd dwelling parcel number 013-048-46-1





Well

Existing Residence 545-343 Babcock Under Road  
Driveway to Residence

Proposed  
home site

buried power cable  
to residence

Power line

Babcock Road

horse

Plot Plan B  
(Aerial Photo) parcel# 013-040-46-11