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PLANNING COMMISSION MEETING February 2, 2021

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PROPERTY OWNER:	Alan E. Siemer
APPLICANT:	Alan E. Siemer
TYPE OF APPLICATION:	Parcel Map

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LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
February 2, 2021

FILE NUMBER: PM 2020-002
APPLICANT: Alan E. Siemer
TYPE OF APPLICATION: Parcel Map
GENERAL LOCATION: The subject parcel is located approximately 11 miles southeast of Susanville, CA via Highway 395 and less than 1,000 feet south of Main Street Janesville at 463-390 Mountain Way, Janesville, CA 96114.

ASSESSOR'S PARCEL NUMBERS: 129-610-46
PROJECT SITE ZONING: A-2-B-2 (Agricultural Residential 2-Acre Building Site Combining District)
GENERAL PLAN: "Rural Residential" land use designation pursuant to the *Lassen County General Plan, 2000*, as amended by the *Janesville Planning Area Amendment, 1993*
ENVIRONMENTAL DOCUMENT: No further environmental review is required pursuant to Section 15162 of the CEQA Guidelines. Negative Declaration No. 2006-131 was adopted for the approval of previous Parcel Map No. 2006-131.
APPEAL: Board of Supervisors, Lassen County Code Section 16.20.100, Appeal Period: within 10 days of Planning Commission decision
ASSIGNED STAFF: Nancy McAllister, Associate Planner

AUTHORITY FOR APPLICATION:

Government Code Section 66410 et seq., Subdivision Map Act
Lassen County Code Chapter 16.20, Parcel Maps

REGULATING AGENCIES:

Agency
Planning Commission
Surveyor's Office, Department of
Planning and Building Services

Identified Permits/Approvals
Tentative Parcel Map Approval
Parcel Map processing

PROJECT DESCRIPTION: The project is a single lot parcel map (no new parcels will be created) to modify the designated building site, shown on Parcel B-1 of the final parcel map, titled Parcel Map No. 2006-131 for Curtis Whiteley, recorded at Book 41 of Maps, Pages 96-97 of the Official Records of Lassen County.

PROJECT SITE CHARACTERISTICS: The subject parcel is located approximately 11 miles southeast of Susanville, CA via Highway 395 and less than 1,000 feet south of Main Street Janesville at 463-390 Mountain Way, Janesville, CA 96114. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency. The subject parcel is in the State Responsibility Area (SRA) for fire protection, within the Very High fire hazard severity zone.

Existing improvements on site include an 8' x 8' shed and a well.

ACCESS/REQUIREMENTS: The subject parcel adjoins Mountain Way, which is a County-maintained road. Because the proposed parcel map only modifies the designated building site and makes no change to the parcel configuration or access of previously approved Parcel B-1 of Parcel Map No. 2006-131, multiple access, as discussed as discussed in code section 9.16.190, is not required.

The Department of Public Works recommended no conditions.

ZONING: The subject parcel is zoned A-2-B-2 (Agricultural Residential District, 2-Acre Building Site Combining District). Lassen County Code Section 18.84.020 requires that parcels meet the minimum acreage attached with the B combining district designation, and Section 18.84.060 allows for the average acreage of subdivided parcels to meet this minimum parcel size requirement. Therefore, an A-2-B-2 zoning district requires either a minimum or average 2-acre parcel size, the latter if specially approved by the Planning Commission through the “density option” process. The proposed parcel map only modifies the designated building site and makes no change to the parcel configuration of previously approved Parcel B-1 of Parcel Map No. 2006-131, a 2.06-acre parcel, and therefore is consistent with the above minimum parcel size requirement. No special findings related to the “density option” are required for this project.

SURROUNDING PROPERTY CHARACTERISTICS: Parcels immediately surrounding the subject parcel consist primarily of residential uses, with a 2.78-acre commercial property to the northeast. Said parcels are zoned as illustrated in the table below:

	Zoning (see notes at bottom)	Parcel Size (acres)	Land Use Designation (<i>Lassen County General Plan, 2000</i>)
Northwest	A-2-B-2*	1.69	“Rural Residential”
Northeast	C-G**	2.778	“Commercial”
East	A-2-B-2	2.03	“Rural Residential”
South	A-2-B-2	2.0	“Rural Residential”
West	A-2-B-4***	4.03	“Rural Residential”

* The A-2-B-2 zoning district is the “Agricultural Residential 2-Acre Building Site Combining District” as defined in Chapters 18.18 and 18.84 of the Lassen County Code

**The C-G zoning district is the “General Commercial District” as defined in Chapter 18.32 of the Lassen County Code

*** The A-2-B-4 zoning district is the “Agricultural Residential 4-Acre Building Site Combining District” as defined in Chapters 18.18 and 18.84 of the Lassen County Code

GENERAL PLAN: The subject parcel has a “Rural Residential” land use designation pursuant to the *Lassen County General Plan, 2000*, as amended by the *Janesville Planning Area Amendment, 1993*, and is described in said plans, with land use goals and policies, as follows:

Lassen County General Plan, 2000

Rural Residential

The Rural Residential designation provides for medium density residential use in a generally rural environment. Parcels may or may not be served by paved roads and will usually not be connected to community water or sewer services. Parcel sizes generally range from three to twenty acres. Parcels may be clustered and/or smaller parcels may be created in exchange for the retention of agricultural and other open space areas (e.g., use of the "density option" provisions of the County's zoning code).

Building intensity will typically range from 0.05 to 0.33 DUA (dwelling units per acre). Population density will range from 0.15 to 1 PPA (people per acre).

Land Use Issue 2. Growth and Development

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

LU8 POLICY: *Future residential development should consist of the expansion of, or be located adjacent to, existing communities, designated residential 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.*

Land Use Issue 3. 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.*

Land Use Issue 4. 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.*

Janesville Planning Area Amendment, 1993

Policy: Rural Residential

Rural residential uses are the primary type of residential development in the Janesville area. This type of residential use serves to preserve the area's rural character and recognizes the area's physical suitability of soils for use of individual sewage disposal systems.

Rural residential uses should not be allowed where they will conflict with agricultural, resource, wildlife, or safety objectives.

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.

LOCAL GOVERNMENTAL SERVICES:

- Fire protection service provided by Janesville Fire Protection District and California Department of Forestry and Fire Protection (Cal Fire)
- Police protection provided by Lassen County Sheriff's Department
- School service provided by Janesville Union Elementary and Lassen Union High districts

LASSEN COUNTY CODE: According to Lassen County Code Section 16.20.060, the Planning Commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the board of supervisors and the subdivider within fifty days after the tentative map has been accepted for filing.

According to Lassen County Code Section 16.20.070, the Planning Commission may approve the tentative map if it finds that the parcel map, together with its provisions for its design and improvements, is consistent with the applicable general or specific plans adopted by Lassen County. Said section also states that the Planning Commission may modify or delete any of the conditions of approval recommended in the Technical Advisory Committee report, *except conditions required by county ordinance*, and may add additional requirements as a condition of its approval.

According to Lassen County Code Section 16.20.080, the Planning Commission may deny the tentative map on any of the grounds provided by county ordinances or the Subdivision Map Act. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans;
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Additional information regarding applicable sections of the Lassen County Code can be found in the January 7, 2021, memorandum to the Technical Advisory Committee in this packet.

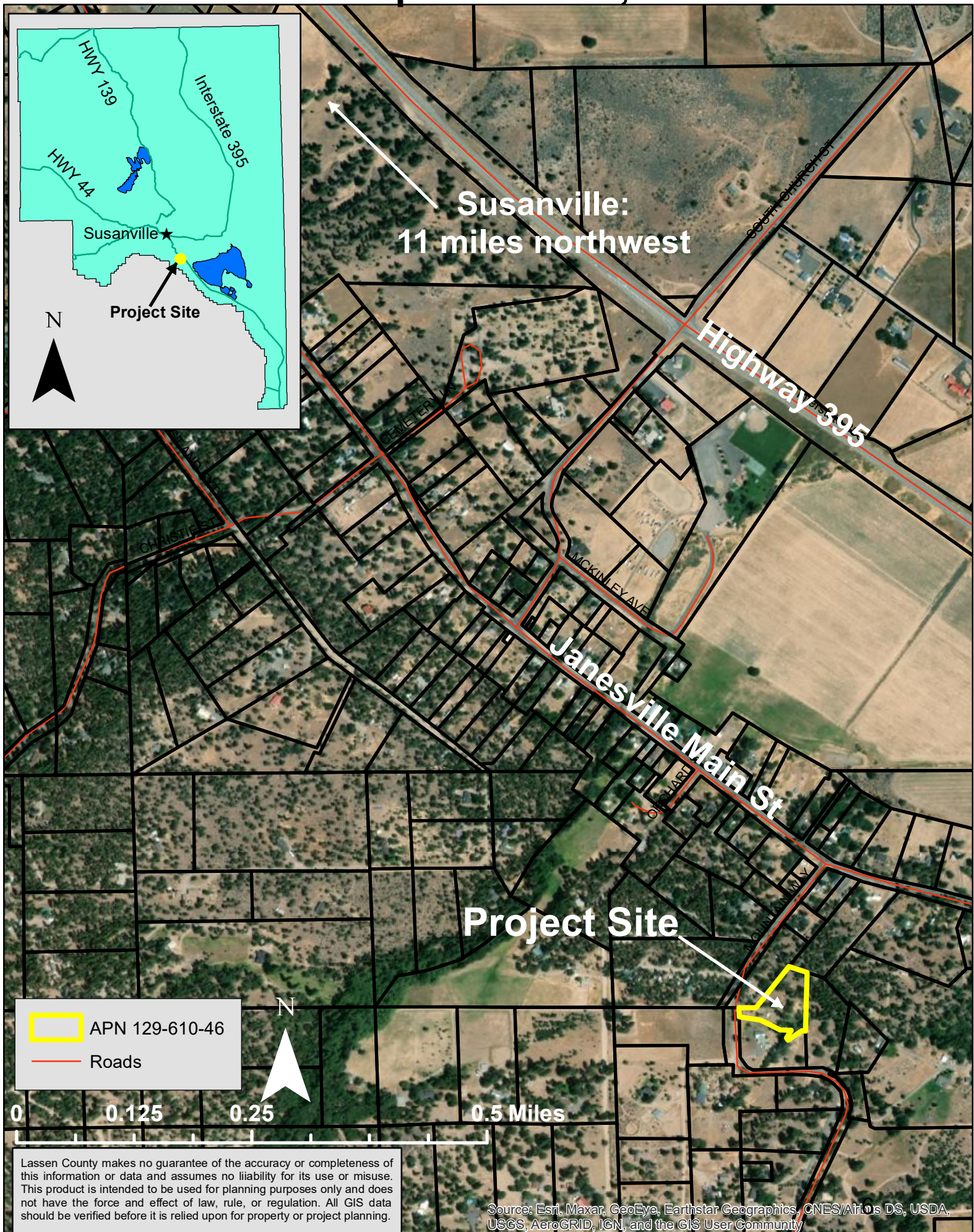
ENVIRONMENTAL DOCUMENT: In accordance with the Lassen County Environmental Review Guidelines (Board Resolution 01-043) Section 4(b), the Lassen County Environmental Review Officer is responsible for first determining the appropriate level of environmental review required by California Environmental Quality Act (CEQA). Ultimately, the approving body for the project will determine if the Environmental Review Officer's recommendation is appropriate.

Pursuant to Section 15162(a) of the CEQA Guidelines, when an EIR has been certified or a negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines that an exception to the use of the provision exists as defined in Section 15162(a)(1-3). Although a change is proposed to the original project, Parcel Map No. 2006-131, the proposed removal of the designated building site on Parcel B-1 (proposed Parcel 1) is consistent with the originally approved CEQA document. No potentially significant impacts were identified by Initial Study No. 2006-131, prepared for Parcel Map No. 2006-131, and Negative Declaration No. 2006-131 was adopted. As the original designated building site location did not serve to mitigate a potentially significant impact, and no exception exists as defined in Section 15162(a)(1-3), the Environmental Review Officer has concluded that further documentation under CEQA is not required.

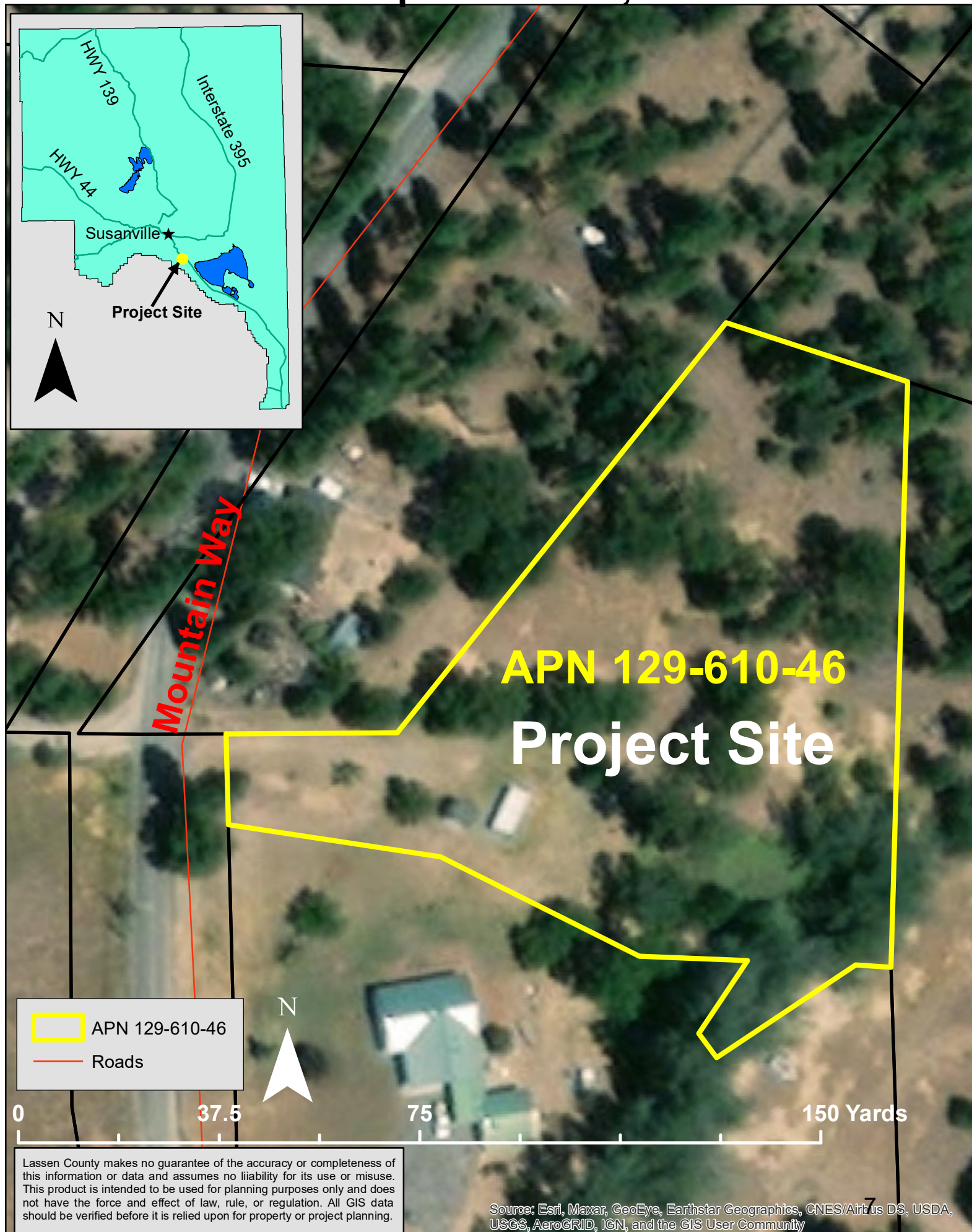
The Initial Study prepared for the Parcel Map No. 2006-131 indicates that the approved designated building site and note regarding setbacks from the pond surface was not in response to a potentially significant impact, but was created in response to a neighbor's concern that development could result in more runoff into the existing pond and move overland flow for the pond to his well site. If removal of the designated building site on Parcel B-1 of Parcel Map No. 2006-131 is approved, the notes designating leach areas, requiring setbacks from the pond on site, and outlining the process for inadvertent discovery of cultural resources will remain.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on January 7, 2021, and developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the attached memos to the TAC. In addition, the recommended conditions can be found in Exhibit "A" of the draft resolution for approval that is included in this packet.

Parcel Map #2020-002, Siemer



Parcel Map #2020-002, Siemer



RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION
APPROVING PARCEL MAP APPLICATION #2020-002, ALAN E. SIEMER
(APN 129-610-46)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted February 2, 2021, has considered Parcel Map Application #2020-002, filed by Alan E. Siemer, proposing a single lot parcel map (no new parcels) to modify the designated building site, shown on Parcel B-1 of the final parcel map, titled Parcel Map No. 2006-131 for Curtis Whiteley, recorded at Book 41 of Maps, Pages 96-97 of the Official Records of Lassen County; and

WHEREAS, Lassen County Code Section 16.20.070 states that in approving or conditionally approving the tentative map, the Planning Commission...shall find that the proposed parcel map, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by Lassen County; and

WHEREAS, Initial Study No. 2006-131 was prepared and Negative Declaration No. 2006-131 was adopted for Parcel Map No. 2006-131, and the Environmental Review Officer has concluded that further documentation under the California Environmental Quality Act (CEQA) is not required, pursuant to Section 15162(a) of the CEQA Guidelines.

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. The proposed project is consistent with the *Lassen County General Plan, 2000*, as amended by the *Janesville Planning Area Amendment, 1993*, the provisions of the Lassen County Zoning Ordinance, the provisions of the Lassen County Fire Safe Ordinance, the provisions the Lassen County Subdivision Ordinance, and the provisions of the Subdivision Map Act.
 - b. The proposed project, 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, nor be detrimental or injurious to property or improvements in the neighborhood or to the general welfare.
3. The Lassen County Planning Commission hereby adopts the findings and conclusions of the Director of the Department of Planning and Building Services contained in the memorandum provided for the February 2, 2021, Planning Commission meeting, concluding that no additional environmental review under CEQA necessary.

4. The Lassen County Planning Commission hereby adopts the recommended findings and conditions of the Technical Advisory Committee, contained in the memorandum provided for the February 2, 2021, Planning Commission meeting.
5. The Lassen County Planning Commission hereby approves Parcel Map Application #2020-002, subject to the conditions of approval set forth in Exhibit "A" attached hereto.

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the County of Lassen, State of California, held on the 2th day of February, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman

Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL FOR
PARCEL MAP #2020-002

1. Owner(s), owner's agent(s) or applicant shall satisfy and the project shall meet all applicable requirements provided by law.
2. The parcel shall be delineated as shown on the "Tentative Parcel Map for Alan E. Siemer" submitted on November 12, 2020, for Parcel Map No. 2020-002.
3. Owner(s) shall cause a field survey of the property shown on the tentative map submitted for Parcel Map No. 2020-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.160 of the Lassen County Code.
4. In accordance with Section 66411 .1 of the Subdivision Map Act, if the applicant requests a deferral of the construction of any on or off site improvements required by the conditional approval of a tentative parcel map, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of a submitted tentative parcel map 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.
5. Owner(s), owner's agent(s) or applicant shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the California 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. 2020-002 have been satisfied or fulfilled.
6. Owner(s), 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 16.20.170 and 16.20.180, to the Lassen County Surveyor for review and approval. The parcel map shall reference and show all easements of record, or any created or offered for dedication, including those shown on the tentative parcel map for Parcel Map No. 2020-002, which affect the parcel being delineated. 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. 2020-002.
 - b. All information required by Lassen County Code, Chapter 16.20, Sections 16.20.180 and 16.20.190.
 - c. An index of specific recorded survey maps (i.e. Records of Surveys, Parcel Maps, Subdivision Maps, G.L.O. Plats 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.
7. After the parcel map, including its form and content, have been determined to be acceptable by the County Surveyor, in accordance with Lassen County Code, Section 16.20.200, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2020-002 have been acceptably met, the owner(s), 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 16.20.210 and 16.20.220. This submittal of the parcel map shall also include any documents which are required to be recorded concurrently with the parcel map. A Parcel Map Guarantee shall also be submitted along with the appropriate fees necessary to the record the parcel map and any related documents.
 8. 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 recordation of the parcel map in accordance with Section 66445(e) of the Subdivision Map Act and Section 16.20.180(3)(8) of the Lassen County Code.
 9. Prior to recordation of Parcel Map No. 2020-002, documentation 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.
 10. A note shall be recorded on the final map for Parcel Map No. 2020-002 requiring that in the event any archeological 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 are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.
 11. A note shall be recorded on the final map requiring that all buildings on Parcel 1 (formerly identified as Parcel B-1 on Parcel Map No. 2006-131) shall be set back a minimum of 50' from the pond.
 12. Approved leach areas shall be designated on the final map and shall be set back a minimum of 100' from the pond.

TECHNICAL ADVISORY COMMITTEE
RECOMMENDED FINDINGS AND CONDITIONS
January 7, 2021
Parcel Map #2020-002, Alan E. Siemer

- ☒ County Planning Director (present, provided findings and conditions)
- ☐ County Public Works Director (not present, no findings or conditions)
- ☒ County Surveyor (present, provided findings and conditions)
- ☒ County Sanitarian (present, no findings or conditions)
- ☐ County Fire Warden (not present, no findings or conditions)
- ☒ County Assessor (present, no findings or conditions)



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

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

January 6, 2021

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Technical Advisory Committee
Agenda Date: January 7, 2021

FROM: Maurice L. Anderson, Director

SUBJECT: **PARCEL MAP #2020-002, SIEMER.** The project is a single lot parcel map (no new parcels will be created) to modify the designated building site, shown on Parcel B-1 of the final parcel map, titled Parcel Map No. 2006-131 for Curtis Whiteley, recorded at Book 41 of Maps, Pages 96-97 of the Official Records of Lassen County. The project site is zoned A-2-B-2 (Agricultural Residential 2-Acre Building Site Combining District) and has a land use designation of "Rural Residential" pursuant to the *Lassen County General Plan, 2000*, as amended by the *Janesville Planning Area Amendment, 1993*. Negative Declaration No. 2006-131 was adopted for the approval of Parcel Map No. 2006-131 and this project is not subject to additional environmental review pursuant to Section 15162 of the California Environmental Quality Act Guidelines. The project site is located at 463-390 Mountain Way, Janesville, CA 96114. APN: 129-610-46. Staff Contact: Nancy McAllister, Associate Planner.

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

1. Consistency with the *Lassen County General Plan 2000* and the *Janesville Planning Area Amendments, 1993*, is to be determined by the Lassen County Planning Commission.
2. The project site is zoned A-2-B-2 (Agricultural Residential 2-Acre Building Site Combining District) and has a land use designation of "Rural Residential" pursuant to the *Lassen County General Plan, 2000*, as amended by the *Janesville Planning Area Amendment, 1993*.
3. Improvements on the subject parcel include an 8' x 8' shed and a well.
4. This single lot parcel map proposes to remove the existing 15,000 square-foot designated building site shown on Parcel B-1 of the Parcel Map for Curtis Whiteley, Parcel Map No. 2006-131, tentatively approved by the Lassen County Planning Commission on February 7, 2007, and recorded on December 21, 2007, in Book 41 of Maps, Pages 96-97, of the Official Records of Lassen County.

5. Access to the project site is by Mountain Way, a County maintained road, off of Janesville Main Street (County Road 235). The project site is less than 1,000 feet from Janesville Main Street. Because the project site is already developed with an approved access pursuant to the Parcel Map No.2006-131, and because no new parcels are being created, multiple access pursuant to Lassen County Code, Section 9.16.102 is not required.
6. Parcel Map No. 2006-131 designated one building site per parcel, designated leach areas (min. 100 ft from pond on site) and included notes (which are enforceable pursuant to Lassen County Code Section 16.04.060) requiring the following:
 - a. Approved building sites shall be a minimum of 50' from the pond and lower than the pond surface, as shown (15,000 sq. ft.).
 - b. In the event any archeological 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 are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.
7. Although if approved the designated building site on parcel B-1 of Parcel Map No. 2006-131 will be removed, the notes designating leach areas, requiring setbacks from the pond on site, and outlining the process for inadvertent discovery of cultural resources will remain.
8. The Initial Study prepared for the Parcel Map No. 2006-131 indicates that the approved designated building site and note regarding setbacks from the pond surface was not in response to a potentially significant impact, but was a "mitigation" measure created in response to a neighbor's concern that development could result in more runoff into the existing pond and move overland flow for the pond to his well site
9. No potentially significant impacts were identified by Initial Study No. 2006-131, prepared for Parcel Map No. 2006-131, and Negative Declaration No. 2006-131 was adopted.
10. Pursuant to Section 15162(a) of the CEQA Guidelines, when an EIR has been certified or a negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines that an exception to the use of the provision exists as defined in Section 15162(a)(1-3).

11. As outlined in Section 15162(b) of the CEQA Guidelines, the Environmental Review Officer has concluded that, although a change is proposed to the project, the proposed removal of the designated building site on Parcel B-1 of the Parcel Map No. 2006-131 is consistent with the originally approved CEQA document, as the original designated building site location did not serve to mitigate a potentially significant impact, and no exception exists as defined in Section 15162(a)(1-3), and thus further documentation under CEQA is not required.
12. In accordance with the Lassen County Environmental Review Guidelines (Board Resolution 01-043) Section 4(b), the Lassen County Environmental Review Officer is responsible for first determining the appropriate level of environmental review required by CEQA. Ultimately, the approving body for the project will determine if the Environmental Review Officer's recommendation is appropriate.
13. Pursuant to Lassen County Code, Section 16.16.100, the planning commission shall deny approval of the tentative map if it makes any of the following findings:
 - a. That the proposed map is not consistent with applicable general and specific plans;
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
 - c. That the site is not physically suitable for the type of development;
 - d. That the site is not physically suitable for the proposed density of development;
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve the map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
14. Lassen County Code, Section 9.16.103(d)(1)(A) requires that on sites one acre or larger, buildings (including mobile homes and accessory buildings), and therefore designated building sites, shall be set back at least thirty feet from all property lines.

**The Planning Division of Lassen County Planning and Building Services Department
Recommends the Following Conditions if the Project is approved:**

1. A note shall be recorded on the final map for Parcel Map No. 2020-002 requiring that in the event any archeological 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 are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.
2. A note shall be recorded on the final map requiring that all buildings on parcel B-1 shall be set back a minimum of 50' from the pond.
3. Approved leach areas shall be designated on the final map and shall be set back a minimum of 100' from the pond.

MLA:njm

S:\PLA\Planning\2020\PM #2020-002, Siemer\TAC



County of Lassen

Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

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

December 23, 2020

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Technical Advisory Committee
Agenda Date: January 7, 2021

FROM: Don Willis, Lassen County Surveyor

SUBJECT: Parcel Map No. 2020-002 – The 2009 Alan E. Siemer Revocable Trust.
Assessor's Parcel Number: 129-610-46.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The parcel to be considered as shown on the tentative map submitted on November 12, 2020, with application for Parcel Map No. 2020-002, is owned by Alan E. Siemer, as Trustee of The 2009 Alan E. Siemer Revocable Trust, dated March 5, 2009, as shown at a Grant Deed to a Revocable Trust that was recorded on June 9, 2020 as Document Number 2020-02097 of the Official Records of Lassen County, California.
2. The legal description shown in the vesting deed in Findings Item Number One above describes two separate properties, described as Parcel B-1 and Parcel B-2 of Parcel Map No. 2006-131, as the same was filed on December 21, 2007 in Book 41 of Maps, Pages 96-97, of the Official Records of Lassen County. Parcel B-2 is not a part of this project and are other lands owned by the applicant that happen to be described in the same deed.
3. The subject property is located in portions of Sections 9 and 16, Township 28 North, Range 13 East, Mount Diablo Base and Meridian, in Lassen County, and is further known as Assessor's Parcel Number 129-610-46.
4. The underlying legal parcel of the parcel shown on the tentative map submitted for Parcel Map No. 2020-002 was created as a result of said Parcel Map No. 2006-131. This parcel map created three parcels and was approved by the Lassen County Board of Supervisors on December 18, 2007. The parcel map was filed on December 21, 2007 in Book 41 of Maps, Pages 96-97, of the Official Records of Lassen County. Therefore, the subject parcel has been created in compliance with the Subdivision Map Act and local ordinances.
5. The subject parcel consists of 2.06 acres as shown on the application submitted for Parcel Map No. 2020-002. This figure agrees with the acreage shown on the parcel map that created the subject parcel, Parcel Map No. 2006-131, which is described in Findings Item Number Four above.
6. The subject parcel has been issued a permit for development by the Lassen County Building Department. This constitutes "*real property which has been approved for development*" per Section 66499.34 of the California Subdivision Map Act and would

allow the owner(s) of the real property to request a Certificate of Compliance for the parcel from a local agency.

7. The tentative map submitted for Parcel Map No. 2020-002 shows that no new parcels are being created for this project. The reason for the single lot parcel map application is because the current owner would like to construct a new residence and its proposed location is outside the approved designated building site that is shown on said Parcel Map No. 2006-131. Section 16.04.060 of the Lassen County Code states that *"No use of property shall be allowed, nor shall any subdivision of property be allowed, if such a use or subdivision would conflict with any note attached to any recorded final map or parcel map. Any notes affecting a property are valid and operative until such a time as a note is included on the most current recorded final or parcel map that identifies specific notes on previous final or parcel maps that are no longer valid or operative."* This portion of the County Code requires that another parcel map be filed since only one location was originally approved on said Parcel Map No. 2006-131. The tentative map that was submitted shows one designated building site that is in a different location from that shown on said Parcel Map No. 2006-131 however the Planning Department has since informed the applicant that no designated building sites will be required for the new parcel map application. Therefore, Parcel Map No. 2020-002 will not have any designated building sites shown on it if the project is approved.
8. The tentative map submitted for Parcel Map No. 2020-002 shows that the subject property adjoins Mountain Way. This road is within the County maintained road system and is designated as County Road No. JV01. A 25 foot half-width right-of-way, which lies easterly of the centerline of said Mountain Way, was offered for dedication to the County of Lassen for public roadway purposes as shown on Parcel Map No. 8-02-85, as the same was filed on January 7, 1986 in Book 24 of Maps, Pages 56-57, of the Official Records of Lassen County. This offer of dedication was accepted on behalf of the public for road and public utility purposes by the Board of Supervisors on January 7, 1986. An additional 10 foot right-of-way was offered for dedication to the County of Lassen for public roadway purposes as shown on Parcel Map No. 2006-131, as the same was filed on December 21, 2007 in Book 41 of Maps, Pages 96-97, of the Official Records of Lassen County. This offer of dedication was accepted on behalf of the public for road and public utility purposes by the Board of Supervisors on December 18, 2007.
9. The requirements for the subdivision of land in California are established by Section 66410, et seq., of the California Government Code, known as the Subdivision Map Act.
10. The requirements for the subdivision of land in Lassen County are established by Lassen County Code, Title 16, Subdivisions.
11. The requirements for Parcel Maps in Lassen County are established by Lassen County Code, Title 16, Chapter 16.20.

LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR PARCEL MAP NO. 2020-002 (THE 2009 ALAN E. SIEMER REVOCABLE TRUST):

1. Owner(s), owner's agent(s) or applicant shall satisfy and the project shall meet all applicable requirements provided by law.
2. The parcel shall be delineated as shown on the "Tentative Parcel Map for Alan E. Siemer" submitted on November 12, 2020 for Parcel Map No. 2020-002.
3. Owner(s) shall cause a field survey of the property shown on the tentative map submitted for Parcel Map No. 2020-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.160 of the Lassen County Code.
4. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicant requests a deferral of the construction of any on or off site improvements required by the conditional approval of a tentative parcel map, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of a submitted tentative parcel map 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.
5. Owner(s), owner's agent(s) or applicant shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the California 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. 2020-002 have been satisfied or fulfilled.
6. Owner(s), 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 16.20.170 and 16.20.180, to the Lassen County Surveyor for review and approval. The parcel map shall reference and show all easements of record, or any created or offered for dedication, including those shown on the tentative parcel map for Parcel Map No. 2020-002, which affect the parcel being delineated. 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. 2020-002.
 - (b) All information required by Lassen County Code, Chapter 16.20, Sections 16.20.180 and 16.20.190.
 - (c) An index of specific recorded survey maps (i.e. Records of Surveys, Parcel Maps, Subdivision Maps, G.L.O. Plats 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.
7. After the parcel map, including its form and content, have been determined to be acceptable by the County Surveyor, in accordance with Lassen County Code, Section 16.20.200, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2020-002 have been acceptably met, the owner(s), 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 16.20.210 and 16.20.220. This submittal of the parcel map shall also include any documents which are required to be recorded concurrently with the parcel map. A Parcel Map Guarantee shall also be submitted along with the appropriate fees necessary to the record the parcel map and any related documents.
 8. 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 recordation of the parcel map in accordance with Section 66445(e) of the Subdivision Map Act and Section 16.20.180(3)(B) of the Lassen County Code.
 9. Prior to recordation of Parcel Map No. 2020-002, documentation 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.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor



TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

RECEIVED

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

NOV 12 2020

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

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

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

FILE NO. PM #2020-002

Property Owner/s	Property Owner/s
Name: <u>Alan Siemer</u>	Name:
Mailing Address: <u>PO Box 813</u>	Mailing Address:
City, ST, Zip: <u>Janesville, CA 96114</u>	City, ST, Zip:
Telephone: <u>619-550-8880</u> Fax:	Telephone: Fax:
Email: <u>asiemer@gmail.com</u>	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/> <u>see above</u>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name:	Name: <u>NST Engineering, Inc.</u>
Mailing Address:	Mailing Address: <u>1495 Riverside Drive</u>
City, ST, Zip:	City, ST, Zip: <u>Susanville, CA 96130</u>
Telephone: Fax:	Telephone: <u>(916) 297-9173</u> Fax:
Email:	Email: <u>nst@frontier.net</u> License #:

Project Address or Specific Location: <u>463-3910 Mountain Way</u>			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: <u>A-2-B-2</u>	General Plan Designation:		
Parcel Size (acreage): <u>2.06</u>	Section:	Township:	Range:

Assessor's Parcel Number(s): <u>129 - 610 - 46</u>	-	-	-
--	---	---	---

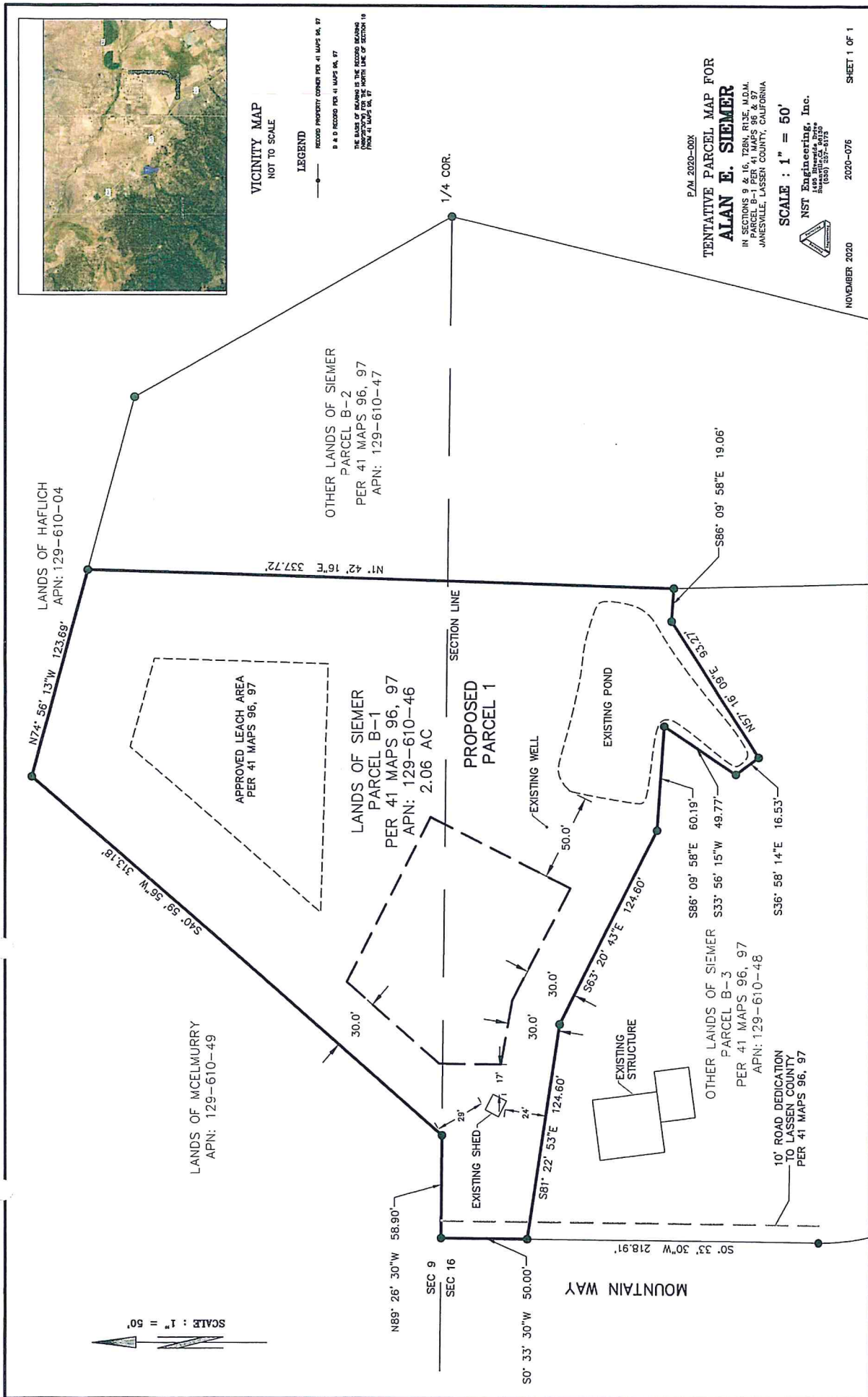
New location of Building Site

<input type="checkbox"/> Subdivision (5 or more parcels created)			
Number of Parcels: _____ Parcel Size Range: _____ (acres or square feet). Use: _____			
<input checked="" type="checkbox"/> Parcel Map (4 or fewer parcels created).			
Parcel No. <u>1</u>	Size: <u>2.06</u>	(acres or square feet). Uses: <u>Residential</u>	
Parcel No. _____	Size: _____	(acres or square feet). Uses: _____	
Parcel No. _____	Size: _____	(acres or square feet). Uses: _____	
Parcel No. _____	Size: _____	(acres or square feet). Uses: _____	

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
<u>Alan J. Siemer</u> Date: <u>11/3/2020</u>	Date:
Date:	Date:

See associated process form for required attachments.

1. Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
___ Yes ___ No. Explain reason for lack of multiple access (e.g. parcels over forty acres, parcels front a publicly maintained road, etc.; see Lassen County Code Section 9.16.102): _____
2. Proposed Water Source: ___ Public System X Private System
Explain Existing Well _____
3. Method of Sewage Disposal: ___ Public System X Private System
Explain _____
4. List All Recorded Access and Utility Easements: _____
5. Does the Owner Own Other Land Near the Project Site? ___ No X Yes APN(s) 129-610-47, 48



C E R T I F I C A T E S

OWNER'S STATEMENT

We the undersigned, hereby certify as follows:

1. We are all the parties having any record title interest in the real property subdivided by this map, within the meaning of Paragraph 66436 and 66446 of the government code of California.

2. We and each of us do hereby consent to the preparation and Recordation of this map.

Curt Whiteley Tia Whiteley
Curtis Whiteley Tia Whiteley
Debra M. Bando Jaqueline M. Bando Assistant Vice President
for Bank of America NA

NOTARY ACKNOWLEDGEMENT

State of New York
County of Elie

On October 4, 2007 before me, Donna Haenges, a notary public in and for said County and State, personally appeared Debra M. Bando and Tia Whiteley, persons known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal.

Signature Donna Haenges
DONNA HAENGES, REG. # 01400000000
Notary Public, State of New York
Qualified in Erie County
My Commission Expires: Nov. 11, 2009



COUNTY PLANNING COMMISSION CERTIFICATE

I, Conrad B. Montgomery, Secretary of the Lassen County Planning Commission, hereby certify that the tentative Parcel Map was approved by the Planning Commission, and that the final Parcel Map complies with the conditions of tentative map approval.

Conrad B. Montgomery, Secretary
Date 12-12-07

COUNTY TAX COLLECTOR'S CERTIFICATE

I, Richard Egan, Tax Collector of Lassen County, certify that there are no tax liens against A.P.N. 129-610-31 as herein set forth, or any unpaid State, County, Municipal or local taxes, or special assessments collected as taxes, except taxes which are a lien but not yet due or payable. I estimate the latter to be in an amount not to exceed \$ 3461.31 if paid before Dec 31, 2007.

Richard Egan
Richard Egan, Lassen County Tax Collector

OFFER OF DEDICATION

3. We further hereby offer to dedicate all interests in the hereinafter described property to the County of Lassen or its successor in interest, for public roadway purposes. The within offer of dedication shall remain in full force and effect, not withstanding any rejection thereof or failure to accept by the County of Lassen, if being specifically understood and agreed that the County of Lassen or its successors in interest may, at any time whatsoever, rescind said rejection and/or accept said offer.

The property sought to be dedicated herein is described as follows:

The 16' strip along Mountain Way as shown on Sheet 2.

Curt Whiteley Tia Whiteley
Curtis Whiteley Tia Whiteley

Debra M. Bando Jaqueline M. Bando Assistant Vice President
for Bank of America NA

NOTARY ACKNOWLEDGEMENT

State of New York
County of Elie

On October 4, 2007 before me, Donna Haenges, a notary public in and for said County and State, personally appeared Debra M. Bando and Tia Whiteley, persons known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal.

Signature Donna Haenges
DONNA HAENGES, REG. # 01400000000
Notary Public, State of New York
Qualified in Erie County
My Commission Expires: Nov. 11, 2009



NOTARY ACKNOWLEDGEMENT

State of California)
County of Lassen)

On 10/15 2007, before me, Sherese A. Zunino, a notary public in and for said County and State personally appeared CURTIS WHITELEY and TIA WHITELEY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose

names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal, signed
Sherese A. Zunino

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the subdivision map act and local ordinance at the request of Curtis and Tia Whiteley in 2007. I hereby state that this Parcel Map substantially conforms to the approved tentative map or conditionally approved tentative map, if any.

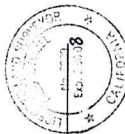
James L. Uptegrove
James L. Uptegrove Calif. RCE No. 22148



COUNTY SURVEYOR'S STATEMENT

This map has been examined by me or under my direction and substantially conforms to the approved tentative map, and any approved alterations thereof. I hereby state that this Parcel Map is in conformance with the requirements of the Subdivision Map Act and local ordinance at the time of tentative map approval and I am satisfied that this Parcel Map is technically correct.

Fred Nagel
Fred Nagel, LS 3993 Expires Dec. 16, 2007
Acting County Surveyor



SUPERVISOR'S CERTIFICATE

The Lassen County Board of Supervisors approved this Parcel Map for Curtis and Tia Whiteley this 14th day of December, 2007, per County Ordinance No. 4/5.

The right of way and or easements offered and shown or indicated on said map were accepted on behalf of the public for road and public utility purposes and uses.

Approval of this map does not imply acceptance of the roads shown as access easements into the County maintained system and no road maintenance services will be performed by the County without construction to approved County standards prior to acceptance by the Board of Supervisors.

Brian Vialle
Chairman of the Board of Supervisors

COUNTY RECORDER'S STATEMENT

Filed this 21 day of December 2007
at 11:21 a.m., in Book 41 of Maps, at
Page 96-97 of the request of Jim
Uptegrove.
Fee \$ 10.00 pd.

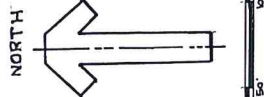
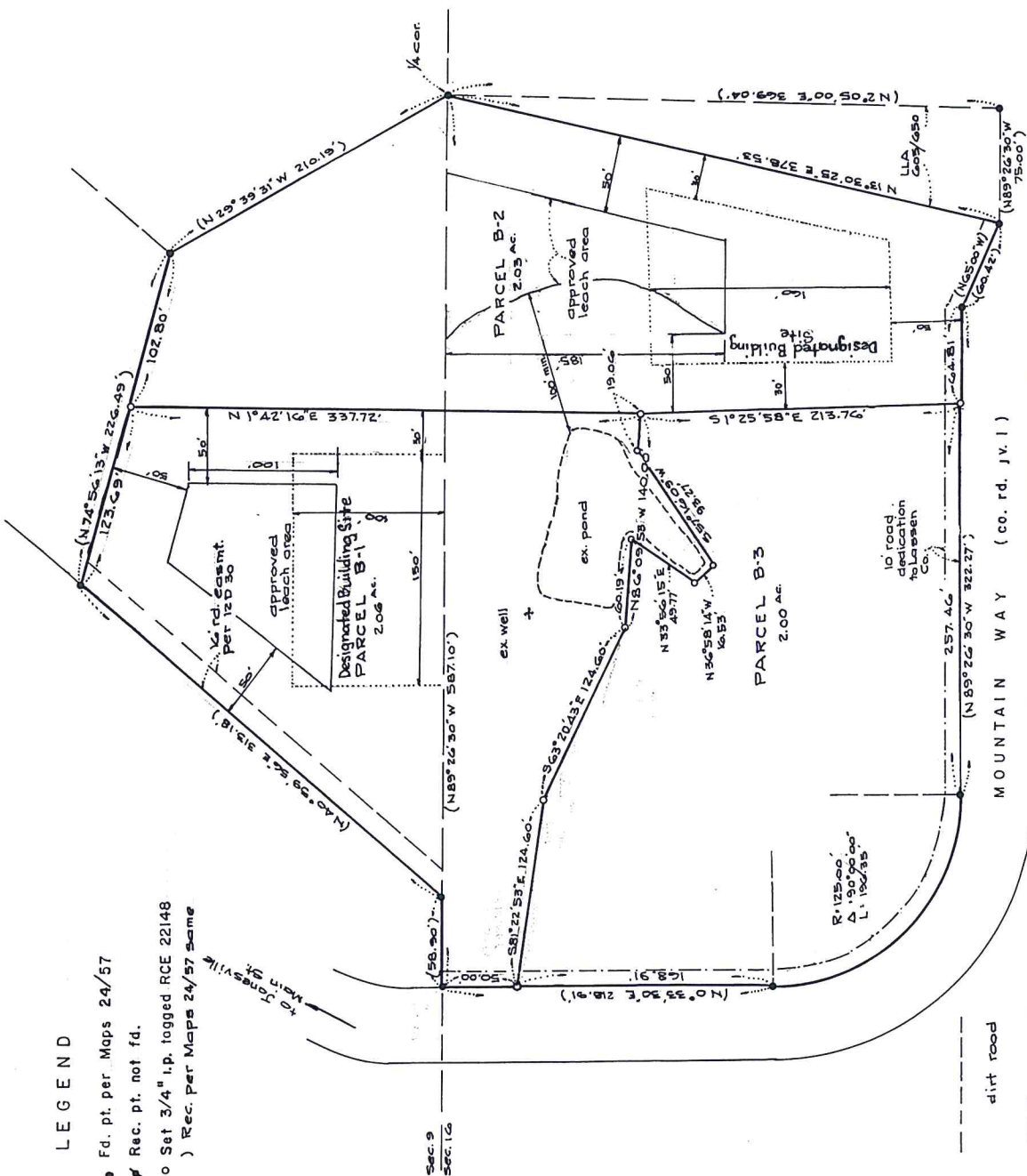
PARCEL MAP
PARCEL MAP NO. 2006-131
FOR

CURTIS WHITELEY
IN SECTIONS 9 & 16, T 28 N, R 13 E, MDM
JANESVILLE LASSEN COUNTY, CALIFORNIA

Julie Bustomonte
Julie Bustomonte, Lassen Co. Recorder

LEGEND

- Fd. pt. per Maps 24/57
- ∅ Rec. pt. not fd.
- o Set 3/4" i.p. tagged RCE 22148
- () Rec. per Maps 24/57 same



SCALE 1" = 50'
 Basis of bearings is the record bearing (N89°24'30"W) for the north line of Sec. 16, from Maps 24/57.

NOTES

1. Approved building sites on Parcels B-1 and B-2 shall be a minimum of 50' from the pond, and lower than the pond surface, as shown (15000 sq. ft.).
2. In the event 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 to identified cultural resources to a less than significant level.

PARCEL MAP
 PARCEL MAP NO. 2006-131
 FOR

CURTIS WHITELEY
 IN SECTIONS 9 & 16, T28N, R13E, MDM
 JANESVILLE LASSEN CO. CALIFORNIA

SH. 2 OF 2 SHS.

BK 41 PG 97