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## PLANNING COMMISSION

November 7, 2023

FILE NUMBER: 2023-002  
PROPERTY OWNER: Wengerd  
TYPE OF APPLICATION: Parcel Map

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LASSEN COUNTY PLANNING COMMISSION  
STAFF REPORT  
November 7, 2023

FILE NUMBER: PM #2023-002  
APPLICANT: Wengerd Trust  
TYPE OF APPLICATION: Parcel Map  
GENERAL LOCATION: Litchfield, CA  
ASSESSOR'S PARCEL NUMBERS: 109-100-058

ZONING: U-C (Upland Conservation District)  
GENERAL PLAN: "Extensive Agriculture," per the *Standish-Litchfield Area Plan and EIR, 1986*.  
APPEAL: Lassen County Code Section 18.112.050 states that "any person not satisfied with the action of the planning commission... may, within ten days of the notice of the commission's action, appeal in writing to the board of supervisors."  
ENVIRONMENTAL DOCUMENT: Exempt from CEQA review pursuant to Section 15315 of the 2023 CEQA Guidelines  
ASSIGNED STAFF: Chris Martin, Assistant Planner

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AUTHORITY FOR APPLICATION:

Subdivision Map Act, Government Code Section 66410 et seq. established regulations.  
Parcel Map Provision, Lassen County Code Section 16.20 et seq. established regulations.

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REGULATING AGENCIES:

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

PROJECT DESCRIPTION: The applicant is proposing to divide a 219.81-acre parcel into two parcels; proposed resultant Parcel 1 would be 21.65 acres and proposed remainder would be 198.16 acres.

PROJECT SITE CHARACTERISTICS: The subject parcel is located approximately 14 miles East of Susanville, CA, via Highway A27. The address provided is 478-600 Belfast Road, Litchfield, CA. (APN: 109-100-058). Improvements include a single-family residence, a shop, a well, and septic system. If the subject parcel map application were approved, resultant Parcel 1 would contain a single-family residence, shop, well, and septic system. The remainder improvements include an ag well. The subject parcel is zoned U-C (Upland Conservation District) and have a land use designation of "Extensive Agriculture," per the *Litchfield Area Plan and EIR, 1986*. The subject parcel is in the State Responsibility Area (SRA) for fire protection (not within a "Moderate" Fire Hazard Severity Zone) and the proposed location is within the Federal Emergency Management Agency (FEMA) Flood Zone "X", which is not part of the 100-year flood zone as described by FEMA.

ACCESS/REQUIREMENTS: Access to the project site is from Standish Belfast Road. Litchfield, CA 96114.

SURROUNDING PROPERTY CHARACTERISTICS AND ZONING: Parcels in the vicinity consist of similarly sized parcels. & have residential uses to the, east, south, and an agricultural area to the north, and west:

	<b>Zoning</b>	<b>Parcel Size</b> (acres)	<b>Land Use Designation</b> ( <i>Standish-Litchfield Area Plan and EIR, 1986</i> )
<b>North</b>	U-C*, M-R**	100, 35.15, 1.35, 396.60	“Intensive Agriculture & Mountain Resort (Belfast Initiative Area)”
<b>East</b>	U-C*, M-R**	1.35, 396.60, 275	“Intensive Agriculture & Mountain Resort (Belfast Initiative Area)”
<b>South</b>	U-C*	275, 34.83	“Intensive Agriculture”
<b>West</b>	U-C*	34.83, 35.79, 35.43, 67.86, 35.15	“Intensive Agriculture”

\*U-C (Upland Conservation District)

\*\*M-R (Mountain Resort District)

ZONING: The subject parcel is zoned U-C (Upland Conservation District). Lassen County Code Section 18.18.030(2).

GENERAL PLAN: The subject parcel has a “Extensive Agriculture” land use designation pursuant to the *Lassen County General Plan, 2000*, and *Standish- Litchfield Area Plan and EIR 1986*. Said designations is described 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.*

*The "Extensive Agriculture" designation has generally incorporated and replaced the "Grazing and Sagebrush Environment" designation used in the 1968 General Plan and in some area plans. Where the term "Grazing and Sagebrush Environment" continues to be used, it shall be considered to be synonymous with "Extensive Agriculture". The*



*Extensive Agriculture designation has also incorporated areas which were designated "General Forest Environment".*

*To the extent that residential uses are allowed, building intensity will generally not exceed .025 DUA. Population density will generally average .067 PPA. Exceptions to these averages would include limited farm labor housing facilities.*

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

Standish-Litchfield Area Plan and EIR, 1986:

**Policy:**

7-B Parcel sizes shall be retained at sufficient sizes for productive economic agricultural use.

**Implementation:**

7.2 Non-agricultural uses shall be directed to areas with soils with limited value for agricultural use or to areas where similar uses already exist. Non-agricultural uses shall not interfere with agricultural operations.

7.5 Lands designated as Extensive Agriculture shall be zoned "U-C", Upland Conservation.

The Planning Commission will determine whether the proposed project is consistent with the *Standish-Litchfield Area Plan and EIR, 1986*, and 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:

- Police protection is provided by the Lassen County Sheriff's Department
- Shaffer Elementary School District
- Lassen Union High School District

LASSEN COUNTY CODE: Lassen County Code Chapter 16.20 et seq. sets forth standards relating to the Planning Commission's approval or denial of parcel map applications. Selected sections of Chapter 16.20 read as follows:

**16.20.060 Planning commission action—Notice of public hearings.**

*... The planning commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the board of supervisors and the subdivider within fifty days after the tentative map has been accepted for filing. If an environmental impact report is prepared, the decision shall be made within forty-five days after certification of the environmental impact report. (Ord. 475 § 1(16.05.161), 1985).*



**16.20.070 Planning commission action—Approval.**

*In approving or conditionally approving the tentative map, the planning commission, acting in the capacity of the advisory agency, shall find that the proposed parcel map, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by Lassen County.*

*The planning commission may modify or delete any of the conditions of approval recommended in the technical advisory committee report, except conditions required by county ordinance. The planning commission may add additional requirements as a condition of its approval.*

*If no action is taken by the planning commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this chapter or other county ordinances, and it shall be the duty of the county clerk to certify the approval. (Ord. 475 § 1(16.05.162), 1985).*

**16.20.080 Planning commission action—Denial.**

*The tentative map may be denied by the planning commission on any of the grounds provided by county ordinances or the Subdivision Map Act.*

*The planning commission shall deny approval of the tentative map if it makes any of the following findings:*

- (1) That the proposed map is not consistent with applicable general and specific plans;*
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*
- (3) That the site is not physically suitable for the type of development;*
- (4) That the site is not physically suitable for the proposed density of development;*
- (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;*
- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;*
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to*

*determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 475 § 1(16.05.163), 1985).*

ENVIRONMENTAL DOCUMENT: The Lassen County Environmental Review Officer has determined that this project is exempt from CEQA, as the segregation of homesites has been identified by Lassen County Board Resolution No. 01-043 as locally exempt under Section 15315 of the CEQA Guidelines.

FINDINGS and/or RECOMMENDATIONS: The recommended findings and conditions can be found in the memos to the director attached to this staff report. In addition, the recommended conditions can be found in Exhibit “A” of a draft resolution that is included in this packet.

A power point presentation will be provided to the commission with site visit photos of the proposed projects surrounding landscape and architecture.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING  
PARCEL MAP APPLICATION #2023-002, Wengerd; APN 109-100-058

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted November 7, 2023, has considered Parcel Map Application #2023-002, Wengerd, proposing to divide a 219.81-acre parcel into a 21.65-acre parcel and a 198.16-acre remainder; and

WHEREAS, the Environmental Review Officer has determined that the proposed parcel map application is not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15315 of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed parcel map application is consistent with the *Lassen County General Plan, 2000*, and the *Standish-Litchfield Area Plan and EIR, 1986*, and that the proposed parcels are consistent with permissible parcel sizes and uses under the U-C zoning district.
3. The Planning Commission hereby adopts the recommended findings determined through Technical Review.
4. The Fire Warden has determined that multiple access is not required.
5. The Planning Commission hereby concurs with the Environmental Review Officer that the proposed parcel map is not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15315 of the Guidelines.
6. The Planning Commission hereby approves Parcel Map #2023-002, Wengerd, subject to the conditions set forth in Exhibit "A" attached hereto.



RESOLUTION NO. \_\_\_\_\_

Page 2 of 5

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7<sup>st</sup> day of November, 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission

EXHIBIT "A"  
RECOMMENDED CONDITIONS OF APPROVAL  
PARCEL MAP #2023-002, Wengerd

1. The final map for Parcel Map No. 2023-002 shall meet all provisions of Title 16 Subdivisions, as determined by the Lassen County Surveyor and the Lassen County Planning Commission.
2. A note shall be recorded on the final map for Parcel Map #2023-002 requiring that all development, including wells and septic systems on the remainder parcel shall be prohibited unless cultural studies have been complete.
3. Prior to the division being effective, the owner or owners of the property included in the approved subdivision shall execute and cause to be recorded in the office of the Recorder of Lassen County a restriction binding upon the original owners and their heirs, successors and assigns, which disallows additional homesites to be segregated, pursuant to this section, from the property until at least ten years has elapsed from the date of recordation of the subdivision instrument.
4. A note shall be recorded on the final map for Parcel Map #2023-002 requiring that in the event any archeological or cultural resources are discovered during construction or any ground disturbing activities, such work is to be halted in the immediate area 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.
5. Owners, owner's agent(s) or applicants shall satisfy and the project shall meet all applicable requirements provided by law.
6. The parcel shall be subdivided as shown on the tentative parcel map submitted for Parcel Map No. 2023-002.
7. Owners shall cause a field survey of the property shown on the tentative parcel map submitted for Parcel Map No. 2023-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.170 of the Lassen County Code.
8. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicants request a deferral for the construction of any on or off-site improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2023-002, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2023-002 shall be completed before any permit or other grant of approval for development of the parcels shown on the parcel map is approved and/or issued.

9. The existing roadway that provides access to proposed Parcel One shall be improved to the standard of a "Limited Access Road" in accordance with Section 16.32.090(a)(5) of the Lassen County Code. Construction of the "Limited Access Road" shall be in conformance with Road Section Number 5 of said Section 16.32.090(a)(5), with the standards of Section 16.32.110 of the Lassen County Code, and shall be privately maintained in accordance with Section 845 of the California Civil Code. This standard shall apply from Belfast Road, County Road No. 246, to the boundary of proposed Parcel One.
10. A Registered Civil Engineer shall certify that the existing roadway which provides access to proposed Parcel One has been constructed to the standard of a "Limited Access Road", as specified in Sections 16.32.090(a)(5) and 16.32.110 of the Lassen County Code. This certification shall also specify that any drainage concerns have been addressed so as to not adversely affect any adjoining properties.
11. Owners shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over the "Limited Access Road" that is to provide access to proposed Parcel One, in accordance with Section 16.32.070(b) of the Lassen County Code.
12. The applicant shall enter into a private Road Maintenance Agreement, in accordance with Section 845(b) of the California Civil Code, for the privately maintained roadway providing access to proposed Parcel One. This document shall be submitted to the Planning and Building Services Department for review and approval prior to its concurrent recordation with Parcel Map No. 2023-002 in the Official Records of Lassen County.
13. Owners, owner's agent(s) or applicants shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the Subdivision Map Act and Lassen County Code. The applicants shall also provide documentation required to demonstrate that all conditions of approval for Parcel Map No. 2023-002 have been satisfied or fulfilled.
14. Owners, owner's agent(s) or applicants shall submit a preliminary copy of the parcel map meeting the requirements of Article 3, Parcel Maps, Sections 66444-66450 of the Subdivision Map Act and Lassen County Code, Chapter 16.20, Sections 16.20.180 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. 2023-002, which affect the parcel being subdivided or those being created. This review submittal shall also include the following:
  - (a) A current Condition of Title report for the property shown on the tentative parcel map submitted for Parcel Map No. 2023-002.



- (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, 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. 2023-002 have been acceptably met, the owners, owner's agent(s) or applicants shall submit an original mylar of the parcel map, corrected to its approved final form and signed by all parties required to execute the certificates on the map, to the County Surveyor for recording in the office of the Lassen County Recorder in accordance with Lassen County Code, Sections 16.20.230 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. 2023-002, evidence shall be provided to the Lassen County Surveyor's Office which demonstrates that the Lassen County Tax Collector is satisfied that all current and delinquent property taxes have been paid, including funds deposited that are equivalent to all estimated taxes which have become a lien not yet due or payable, for all parcels involved in the proposed land division.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING DISAPPROVING PARCEL MAP  
APPLICATION #2023-002, FORGASH; APN 109-100-058

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted November 7, 2023, has considered Parcel Map Application #2023-002, Wengerd, proposing to divide a 219.81-acre parcel into a 21.65-acre parcel and a 198.16-acre remainder; and

WHEREAS, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed parcel map application is not consistent with the *Lassen County General Plan, 2000*, and the *Standish-Litchfield Area Plan and EIR, 1986*.
3. The Planning Commission hereby disapproves Parcel Map #2023-002, Wengerd.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7<sup>th</sup> day of November, 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

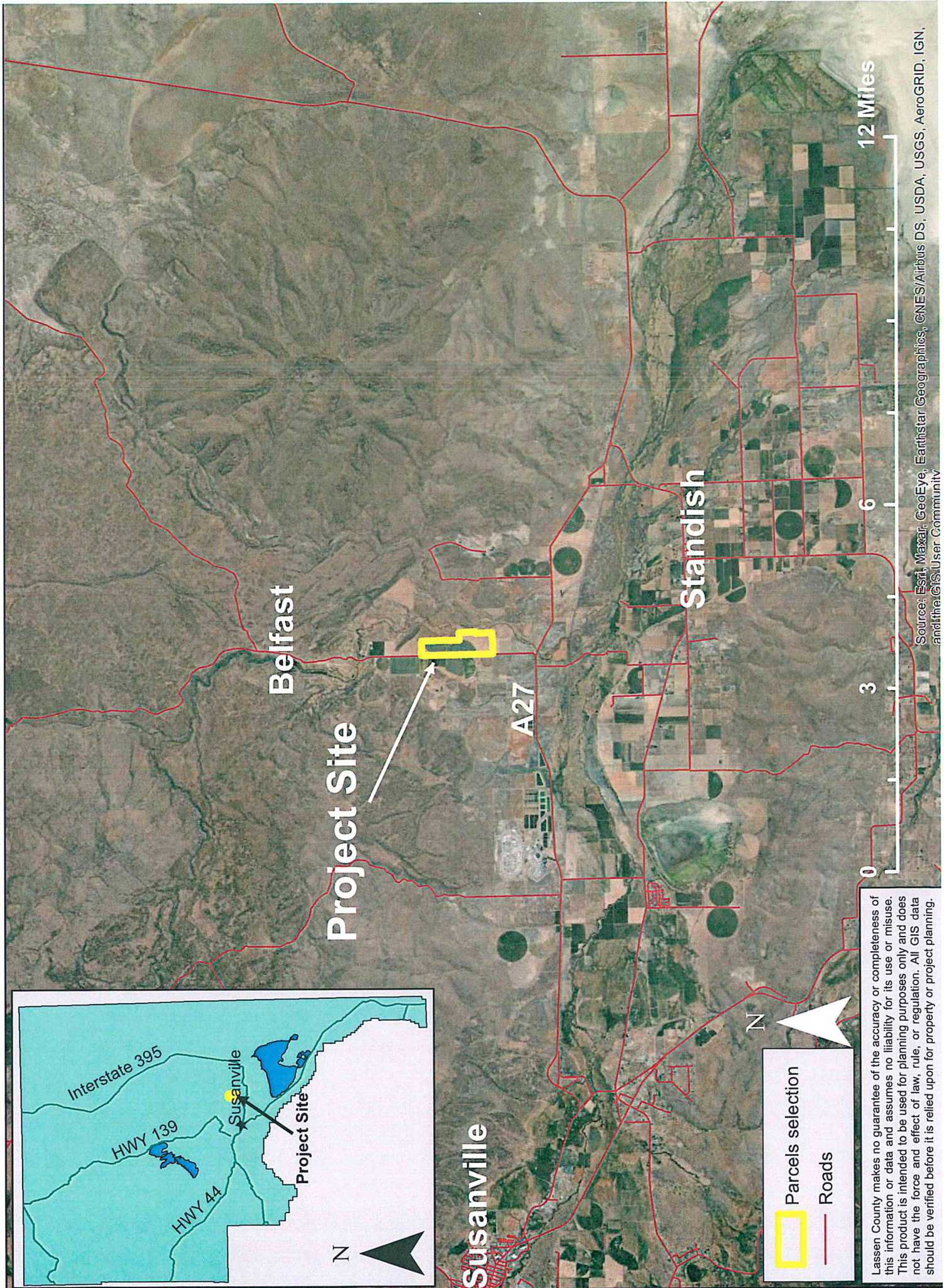
\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission



# Parcel Map #2023-002, Wengard

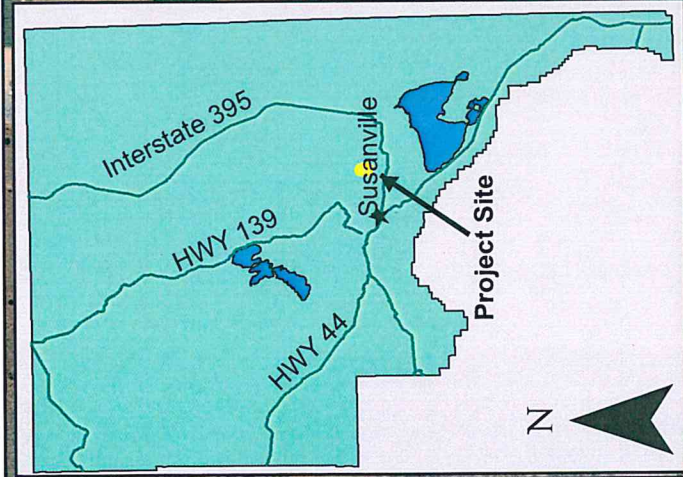


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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



# Parcel Map #2023-002, Wengerd



Proposed Remainder

Proposed Lot Lines

Proposed Parcel 1

APN 109-100-058

- Parcels selection
- Roads

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0 0.175 0.35 0.7 Miles

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





## County of Lassen

### Department of Planning and Building Services

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

October 24, 2023

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

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email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Maurice Anderson, Director

FROM: Matt May, Manager of Planning

RE: Parcel Map #2023-002, Wengerd

*MMA Approved 10-25-23*

#### Project Description

**PARCEL MAP #2023-002, Wengerd.** Proposal to divide a single 219.81-acre legal parcel into one parcel and a remainder, pursuant to Lassen County Code Section 18.108.250 (Segregation of Homesites in Agricultural Zones); resultant Parcel A ("homesite" parcel) is a 21.65 (as shown on the tentative parcel map) and the Remainder is a 198.16-acre parcel. The subject parcel is zoned U-C (Upland Conservation District) and has a land use designation of "Extensive Agriculture" pursuant to the *Standish-Litchfield AP and EIR, 1986*. Pursuant to Section 15300.4 California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA, as the segregation of homesites has been identified by Lassen County Board Resolution No. 01-043 as locally exempt under Section 15315 of the CEQA Guidelines. The parcel is located at 478-600 Belfast Road in Litchfield, CA. APN: 109-100-058. Staff Contact: Chris Martin, Assistant Planner.

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

1. The applicant has submitted Parcel Map Application #2023-002, proposing to divide a 219.81-acre parcel into two parcels under the same ownership.
2. If the proposed parcel map is approved, resultant Parcel 1 would be 21.65 acres, and the remainder would be 198.16 acres.
3. The subject parcels are zoned U-C (Upland Conservation District) have an "Existing Agriculture" land use designation, per the *Standish-Litchfield Area Plan and EIR, 1986*.
4. The applicant proposes to divide a single 219.81-acre parcel into one 21.65-acre parcel and a 198.16-acre remainder, pursuant to Lassen County Code Section 18.108.250 (Segregation of Homesites in Agricultural Zones).

5. Existing improvements on proposed Parcel 1 include a single-family residence, septic system, and well. The Remainder Parcel has no improvements.
6. Proposed Parcel 1 is located within FEMA Flood Zone "X" and the proposed remainder is located within FEMA Flood Zone "X" (Panel #06035C2000D, 9/3/2010).
7. Project site is located in an area considered to be highly sensitive for prehistoric, protohistoric, and historic cultural resources.
8. As required per projects Initial Study, and Parcel Map #2004-102, an Archeological survey was performed on designated building site within proposed Parcel 1.
9. The proposed project is consistent with the Lassen County General Plan and zoning code.
10. Lassen County Code Chapter 16.20 et seq. establishes the regulations regarding approval of tentative parcel maps.
11. Planning commission actions, as related to approval, are outlined by Lassen County Code Section 16.20.070 as follows:
  - a) In approving or conditionally approving the tentative map, the planning commission, acting in the capacity of the advisory agency, shall find that the proposed parcel map, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by Lassen County.
  - b) The planning commission may modify or delete any of the conditions of approval recommended in the technical advisory committee report, except conditions required by county ordinance. The planning commission may add additional requirements as a condition of its approval.
  - c) If no action is taken by the planning commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this chapter or other county ordinances, and it shall be the duty of the county clerk to certify the approval.
12. Pursuant to Lassen County Code Section 16.20.080, 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 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.

13. Lassen County Code 18.108.250 (Segregation of Homesites in Agricultural Zones) reads as follows:

- a) In the A-3, E-A, U-C, and U-C-2 districts, the subdivision of property in order to separate legally one homesite from the remaining agricultural land may be allowed pursuant to this section. The application for subdivision shall include a proposed plan of development and use for the entire area of existing parcels under the same or related ownership, containing the site of one or more existing or proposed dwellings. The planning commission may approve such applications only after finding, in addition to other findings, that:
  - i. The proposed parcel is not greater than forty (40) acres, or an aliquot portion of a section of land consisting of one-quarter of one-quarter section, or five percent (whichever is greater) of the agriculturally-zoned land held in contiguous ownership by the project applicant at the time of the application, and not less than one acre;
  - ii. The remaining parcel of contiguous ownership of the project applicant will not be less than the required minimum parcel size of the agricultural district(s) in which the lands are located;
  - iii. The proposed segregation and development will not reduce the capabilities for agricultural use of the non-homesite parcel and surrounding properties;
  - iv. The proposed segregation and development is justified or made necessary by the occupancy of homesites, ownership of property, organizational structure of the

farm business, financing requirements, retirement planning or similar circumstances;

- v. The proposed parcels meet the requirements of the county health department for sewage disposal and water supply.
  - b) Prior to the division being effective, the owner or owners of the property included in the approved subdivision shall execute and cause to be recorded in the office of the recorder of Lassen County a restriction binding upon the original owners and their heirs, successors and assigns, which disallows additional homesites to be segregated, pursuant to this section, from the property until at least ten years has elapsed from the date of recordation of the subdivision instrument.
14. The proposed project is consistent with the provisions of Lassen County Code Section 18.108.250 (Segregation of Homesites in Agricultural Zones).
15. The subject legal parcel has not been associated with a prior homesite segregation within the last ten years.
16. Pursuant to Lassen County Code Section 9.16.190, multiple access is required for parcel map applications, unless otherwise recommended by the county fire warden or the responsible fire protection agency, and approved by the county, based on one or more of the following findings:
- a) The acreage divided by the map will not result in parcels below forty acres in size; or
  - b) The proposed division is within an unclassified fire hazard area; or
  - c) The length of dead-end roads meets criteria established in section 1273.08 of the State Fire Safe Regulations; or
  - d) The potential number of lots/parcels to be served by the one access route would not warrant a second route of ingress/egress;
  - e) An adequately maintained and continuously available emergency fire escape road is available. An 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; or
  - f) The resulting lots/parcels front on an existing publicly maintained road; or
  - g) Other suitable measures are recommended by the county fire warden or the responsible fire agency for approval.
17. The proposed satisfies requirements of Lassen County Code 9.16.190.

18. Pursuant to Section 15300.4 California Environmental Quality Act (CEQA) Guidelines, the Lassen County Environmental Review Officer has determined that this project is exempt from CEQA, as the segregation of homesites has been identified by Lassen County Board Resolution No. 01-043 as locally exempt under Section 15315 of the CEQA Guidelines.

**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. The final map for Parcel Map No. 2023-002 shall meet all provisions of Title 16 Subdivisions, as determined by the Lassen County Surveyor and the Lassen County Planning Commission.
2. Multiple access shall be required, unless a recommendation otherwise is made by the county fire warden or the responsible fire protection agency, and approved by the county, prior to recordation of the final map for Parcel Map No. 2023-002, based on one or more of the findings listed in Lassen County Code Section 9.16.190.
3. All development, including wells and septic systems on the remainder parcel shall be prohibited unless cultural studies have been completed.
4. Prior to the division being effective, the owner or owners of the property included in the approved subdivision shall execute and cause to be recorded in the office of the Recorder of Lassen County a restriction binding upon the original owners and their heirs, successors and assigns, which disallows additional homesites to be segregated, pursuant to this section, from the property until at least ten years has elapsed from the date of recordation of the subdivision instrument.

MLA:Cjm

S:\PLA\Planning\2023\PM #2023-002, Wengerd





## County of Lassen

### Department of Planning and Building Services

• Planning • Building Permits • Environmental Health • 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

October 16, 2023

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Maurice Anderson, Director  
Lassen County Planning and Building Services Department

FROM: Don Willis, Lassen County Surveyor

RE: Parcel Map No. 2023-002 – The Wengerd Trust.  
Assessor's Parcel Number: 109-100-058.

#### LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The parcel to be considered, as the same is shown on the tentative parcel map submitted with application for Parcel Map No. 2023-002, is owned by David N. Wengerd and Martha Marie Wengerd, Trustees of the Wengerd Trust dated July 3, 2014, per a Warranty Deed recorded on March 14, 2018 as Document No. 2018-00928 of the Official Records of Lassen County, California. The subject parcel is represented by Assessor's Parcel Number 109-100-058 and is located in portions of Sections 30 and 31, Township 30 North, Range 14 East, Mount Diablo Base and Meridian.
2. The legal description shown in the vesting deed listed in Findings Item Number One above describes the subject property as Parcel Two of Parcel Map No. 2004-102, as the same was filed on December 15, 2004 in Book 39 of Maps, Pages 48-50, of the Official Records of Lassen County.
3. The underlying legal parcel for the subject property was created when said Parcel Map No. 2004-102 was filed in the Official Records of Lassen County. This parcel map received approval from the Board of Supervisors on December 14, 2004, therefore this parcel was created in accordance with the provisions of the Subdivision Map Act and local ordinances.
4. The subject parcel has been issued multiple permits for development by the Lassen County Building Department. This constitutes "*real property which has been approved for development*" per Section 66499.34 of the Subdivision Map Act and would allow the owners of the real property to receive a Certificate of Compliance for the parcel from the local agency if requested.

5. The existing parcel size of the subject property is 219.81 acres as listed on the application submitted for Parcel Map No. 2023-002. The applicants are proposing that the subject property be divided into a 21.65 acre parcel (listed as Parcel 1 on the application) and a 198.16 acre Remainder parcel (listed as Parcel 2 on the application).
6. The tentative parcel map that was submitted for Parcel Map No. 2023-002 shows that access to the subject property is by way of Belfast Road, County Road No. 246, which is in the County maintained road system. The existing parcel currently abuts this road and the proposed Remainder Parcel (198.16 Ac.) would directly abut it as well if the proposed parcel map were approved. Proposed Parcel One (21.65 Ac.) would not directly abut the County road, however it is currently served by an existing dirt access road that begins at said Belfast Road.
7. The tentative parcel map that was submitted for Parcel Map No. 2023-002 does not show a right-of-way width for said Belfast Road. The parcel map that created the subject property, said Parcel Map No. 2004-102 (39 Maps 48-50), shows a right-of-way width of 60 feet for Belfast Road, which meets the County's minimum standard for right-of-way widths. This right-of-way width agrees with the "*Map of Belfast Tract*," as the same is recorded in Book 1 of Maps, Pages 68-69, of the Official Records of Lassen County. The developer of the properties shown on the Belfast Tract offered a sixty foot wide easement over Belfast Road to the public for public use which was accepted by the Board of Supervisors, as shown on said Tract map.
8. The requirements for the subdivision of land in California are established by California Government Code Section 66410, et seq., known as the Subdivision Map Act.
9. The requirements for the subdivision of land in Lassen County are established by Lassen County Code Title 16, Subdivisions.
10. The requirements for Parcel Maps in Lassen County are established by Lassen County Code, Chapter 16.20.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS  
FOR PARCEL MAP NO. 2023-002 (THE WENGERD TRUST):**

1. Owners, owner's agent(s) or applicants shall satisfy and the project shall meet all applicable requirements provided by law.
2. The parcel shall be subdivided as shown on the tentative parcel map submitted for Parcel Map No. 2023-002.



3. Owners shall cause a field survey of the property shown on the tentative parcel map submitted for Parcel Map No. 2023-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.170 of the Lassen County Code.
4. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicants request a deferral for the construction of any on or off-site improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2023-002, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2023-002 shall be completed before any permit or other grant of approval for development of the parcels shown on the parcel map is approved and/or issued.
5. The existing roadway that provides access to proposed Parcel One shall be improved to the standard of a "Limited Access Road" in accordance with Section 16.32.090(a)(5) of the Lassen County Code. Construction of the "Limited Access Road" shall be in conformance with Road Section Number 5 of said Section 16.32.090(a)(5), with the standards of Section 16.32.110 of the Lassen County Code, and shall be privately maintained in accordance with Section 845 of the California Civil Code. This standard shall apply from Belfast Road, County Road No. 246, to the boundary of proposed Parcel One.
6. A Registered Civil Engineer shall certify that the existing roadway which provides access to proposed Parcel One has been constructed to the standard of a "Limited Access Road", as specified in Sections 16.32.090(a)(5) and 16.32.110 of the Lassen County Code. This certification shall also specify that any drainage concerns have been addressed so as to not adversely affect any adjoining properties.
7. Owners shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over the "Limited Access Road" that is to provide access to proposed Parcel One, in accordance with Section 16.32.070(b) of the Lassen County Code.
8. The applicant shall enter into a private Road Maintenance Agreement, in accordance with Section 845(b) of the California Civil Code, for the privately maintained roadway providing access to proposed Parcel One. This document shall be submitted to the Planning and Building Services Department for review and approval prior to its concurrent recordation with Parcel Map No. 2023-002 in the Official Records of Lassen County.
9. Owners, owner's agent(s) or applicants shall provide information and/or required



documentation to demonstrate the project meets all applicable requirements established by the Subdivision Map Act and Lassen County Code. The applicants shall also provide documentation required to demonstrate that all conditions of approval for Parcel Map No. 2023-002 have been satisfied or fulfilled.

10. Owners, owner's agent(s) or applicants shall submit a preliminary copy of the parcel map meeting the requirements of Article 3, Parcel Maps, Sections 66444-66450 of the Subdivision Map Act and Lassen County Code, Chapter 16.20, Sections 16.20.180 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. 2023-002, which affect the parcel being subdivided or those being created. This review submittal shall also include the following:
  - (a) A current Condition of Title report for the property shown on the tentative parcel map submitted for Parcel Map No. 2023-002.
  - (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, 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.
11. 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. 2023-002 have been acceptably met, the owners, owner's agent(s) or applicants shall submit an original mylar of the parcel map, corrected to its approved final form and signed by all parties required to execute the certificates on the map, to the County Surveyor for recording in the office of the Lassen County Recorder in accordance with Lassen County Code, Sections 16.20.230 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.

12. 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.
13. Prior to recordation of Parcel Map No. 2023-002, evidence shall be provided to the Lassen County Surveyor's Office which demonstrates that the Lassen County Tax Collector is satisfied that all current and delinquent property taxes have been paid, including funds deposited that are equivalent to all estimated taxes which have become a lien not yet due or payable, for all parcels involved in the proposed land division.

Respectfully submitted,



Don Willis, L.S. 7742  
Lassen County Surveyor





County of Lassen

Department of Planning and Building Services

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

October 23, 2023

Maurice L. Anderson,  
Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Main Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

To: Maurice Anderson, Director  
Lassen County Planning and Building Services  
Department

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

From: Sara Chandler, Division Manager *SC*  
Lassen County Environmental Health

RE: Parcel Map #2023-002, Wengerd

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

1. SANITARY SEWAGE DISPOSAL

Sanitary sewage disposal is provided to this area by individual onsite wastewater treatment systems (OWTS) for any residence. According to our records there is currently one OWTS installed on the parcel which is attached to a single-family residence.

2. WATER SUPPLY AVAILABILITY:

Water in this area is provided by private wells. According to our records there are currently two domestic water wells installed on the parcel.

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

1. None.

:SC



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Lassen Modoc Unit  
697-345 Highway 36  
Susanville, CA 96130  
(530) 257-4171



October 19, 2023

From: The Lassen County Fire Warden's Office  
697-345 Highway 36  
Susanville, CA 96130  
(530) 257-4171

To: Lassen County Building and Planning Department  
707 Nevada St # 5  
Susanville, CA  
(530) 251-8269

RE: PARCEL MAP #2023-002, Wengerd

The proposed parcel map request will not require a secondary access as is indicated under 9.16.190(a) for either resulting parcel. Both existing structures and accessory structures involved in the project are located on one parcel that fronts onto an existing publicly maintained road. If the parcel is split, both existing structures and any accessory structures located on the resulting two parcels will front on an existing publicly maintained road. As stated in 9.16.190(a)(1), Parcels/lots that front an existing publicly maintained road may not be required to have a secondary access. It is the determination of the Lassen County Fire Warden's Office the proposed parcel split will not require secondary access for either of the resulting parcels.

Steve Clement  
Fire Captain  
CAL FIRE Lassen Modoc Unit  
Lassen County Fire Warden's Office





# TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

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

ENVIRONMENTAL HEALTH FEE: \$85 per parcel

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

(530) 251-8269 • (530) 251-8373 (fax)

www.co.lassen.ca.us

RECEIVED  
AUG 18 2023

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 2023-002

Property Owner/s		Property Owner/s	
Name:	<u>Wenger Trust, David &amp; Martha</u>	Name:	<u>David &amp; Martha Wengerd</u>
Mailing Address:	<u>278-600 Belfast Rd Wengerd</u>	Mailing Address:	
City, ST, Zip:	<u>Litchfield</u>	City, ST, Zip:	
Telephone:	<u>417-682-9344</u>	Telephone:	
Fax:		Fax:	
Email:		Email:	

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

Project Address or Specific Location:			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning:	General Plan Designation:		
Parcel Size (acreage):	Section:	Township:	Range:

Assessor's Parcel Number(s):	<u>109-100-058</u>	-	-	-	-
------------------------------	--------------------	---	---	---	---

<input type="checkbox"/> Subdivision (5 or more parcels created)	
Number of Parcels:	Parcel Size Range: (acres or square feet). Use:
<input type="checkbox"/> Parcel Map (4 or fewer parcels created).	
Parcel No. <u>1</u>	Size: <u>21.65</u> (acres or square feet). Uses: <u>Home &amp; Shop</u>
Parcel No. <u>2</u>	Size: <u>198.16</u> (acres or square feet). Uses: <u>Crop field</u>
Parcel No. _____	Size: _____ (acres or square feet). Uses: _____
Parcel No. _____	Size: _____ (acres or square feet). Uses: _____

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.		*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).	
<u>David Wengerd</u>		Date: <u>8-18-23</u>	
<u>Martha Wengerd</u>		Date: <u>8-18-23</u>	

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 ☒ Private System  
Explain Wells \_\_\_\_\_
3. Method of Sewage Disposal: ☐ Public System ☒ Private System  
Explain Septic \_\_\_\_\_
4. List All Recorded Access and Utility Easements: Power line & access road
5. Does the Owner Own Other Land Near the Project Site? ☐ No ☒ Yes APN(s) \_\_\_\_\_



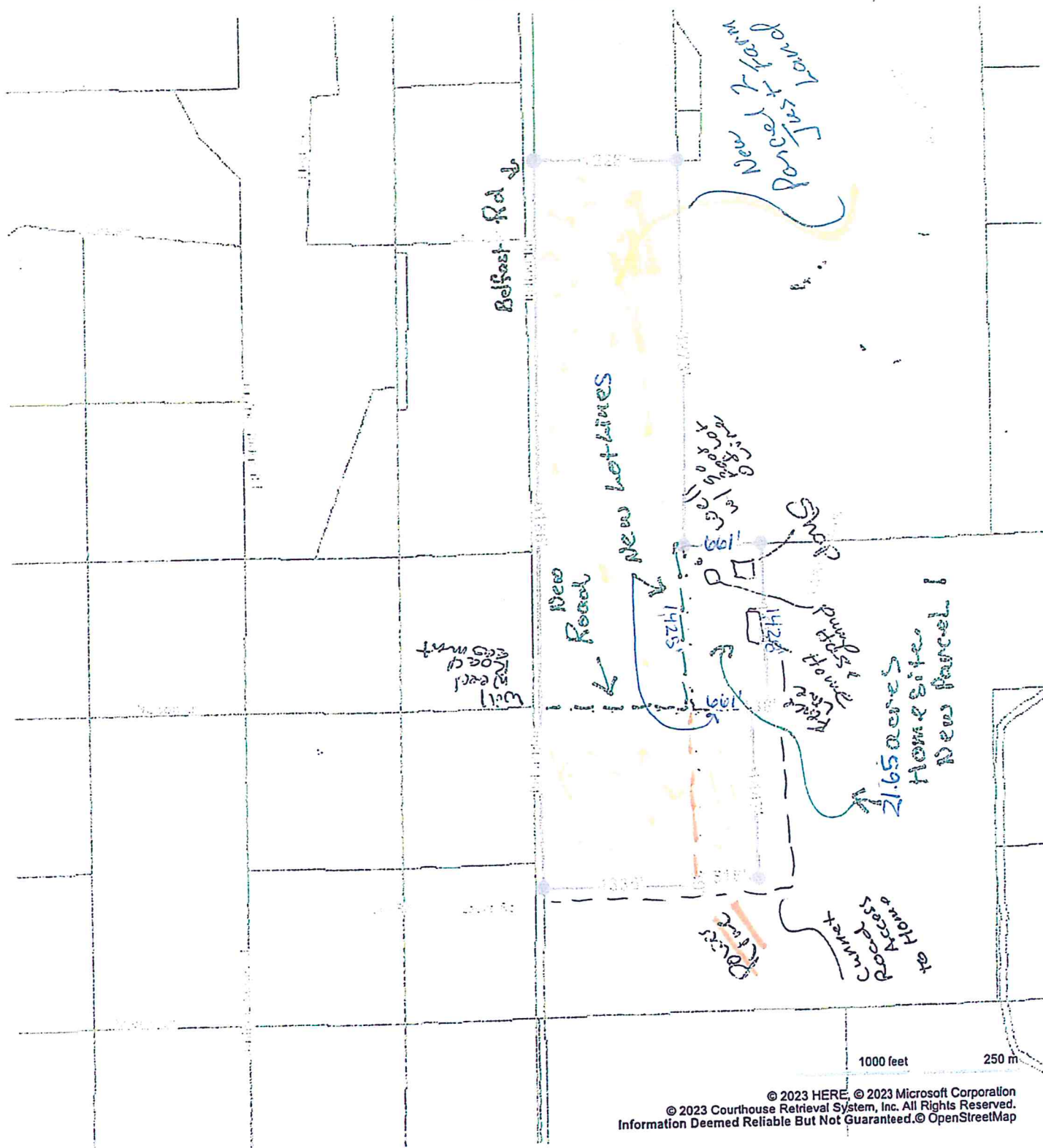


Melissa Pickett  
Town and Country Real Estate  
5303102101  
pickkm@msn.com



MLS Tax Suite<sup>TM</sup>  
Powered by CRS Data

Map for Parcel Address: 478 -600 Belfast Rd Litchfield, CA 96117 APN: 109-100-058-000



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Information Deemed Reliable But Not Guaranteed.

RECEIVED

SEP 27 2023

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

North

661

60-70-  
well well house

Shop

House



David Wengerd - Trustee  
Wengerd Trust  
478-600 Belfast Rd  
Litchfield Ca 96117  
417-682-9314

East

1428

1425

12

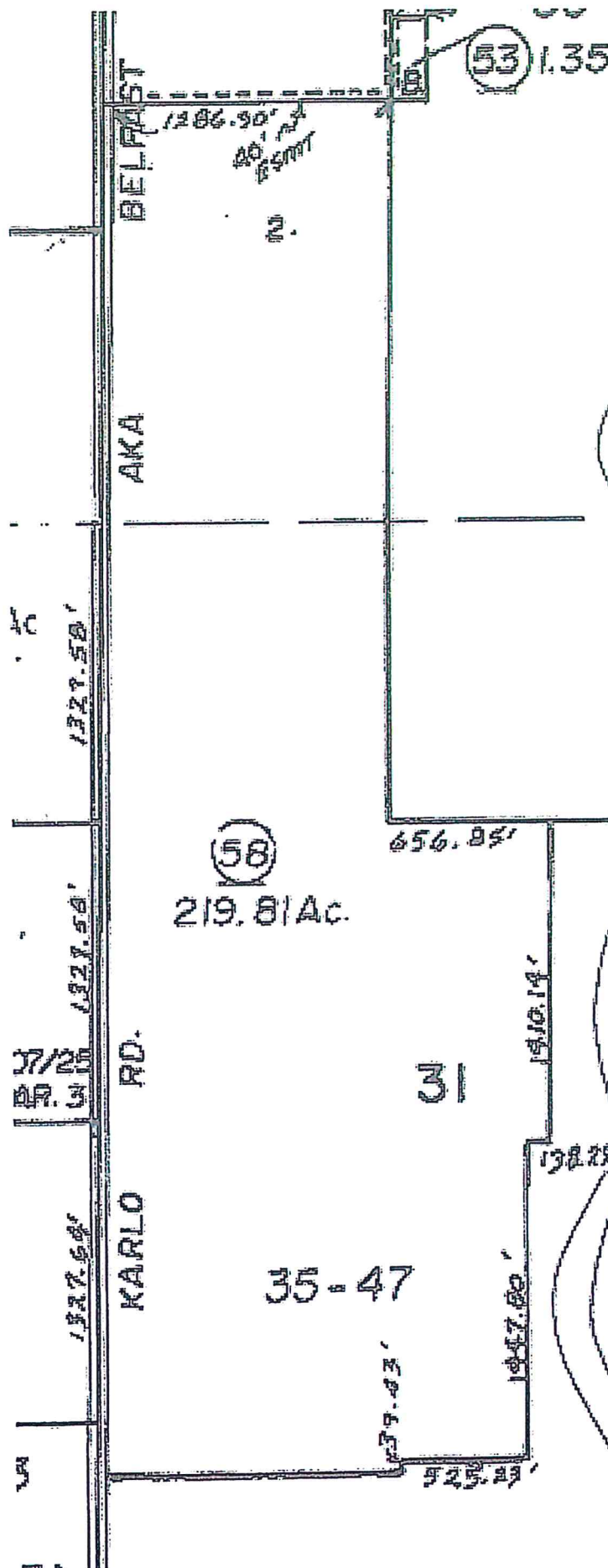
West

661

South

Brace  
Post  
Post





North ↑