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PLANNING COMMISSION MEETING May 2, 2023

FILE NUMBER: UP 2020-010
PROPERTY OWNER: Thomas and Andrea Traphagan
APPLICANT: Thomas Traphagan
TYPE OF APPLICATION: Appeal of Use Permit Abandonment

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County of Lassen

Department of Planning and Building Services

• Planning • Building • 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

April 25, 2023

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Planning Commission
Agenda Date: May 2, 2023

Environmental Health

Messages: 530 251-8528

email: EHE@co.lassen.ca.us

FROM: Maurice L. Anderson, Director

RE: **APPEAL OF USE PERMIT #2020-010 ABANDONMENT, Traphagan.** Appeal of Lassen County's abandonment of a conditionally approved use permit to operate a flour mill, for grain grown on site, within an existing 2,400-square-foot agricultural building at 515-805 Morgan Road, Ravendale, CA 96123. The use permit was conditionally approved by the Planning Commission on March 2, 2021; however, pre-operational conditions were not met within the required timeframe. An appeal was filed by the applicant in response to an Intent to File a Notice of Abandonment letter, sent by the Department on March 6, 2023. The project site is located approximately five miles southeast of Ravendale, accessible by Mail Route Road and Morgan Road. APN 057-150-008. Staff Contact: Nancy McAllister, Senior Planner

Summary:

On March 2, 2021, the Planning Commission conditionally approved Use Permit #2020-010 to operate a flour mill, for grain grown on site, within an existing 2,400-square-foot agricultural building. Following approval, a letter was sent to the applicant with a copy of approving Resolution #3-03-21 and a blank Request for Authorization to Operate (ATO) form. This letter explained that the approved use cannot begin until the ATO request form is submitted to the Department of Planning and Building Services with proof of compliance with conditions, and an ATO has been issued by the Department.

Condition #3 of Resolution #3-03-21 required that the applicant obtain all necessary building permits for the existing building within which the flour mill was proposed to operate, and that said building must pass final inspection before issuance of the ATO. This existing structure had been built under a building permit exemption for agricultural buildings ("ag exempt"). Because the "ag exempt" requirements (Resolution #04-028) and California Building Code state that agricultural buildings shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, this exemption from building permits was no longer valid for the newly proposed use.

On March 5, 2021, the applicant applied for a building permit to convert the “ag exempt” building into the flour mill building. The building plans were sent out to be reviewed by Willdan, an engineering firm contracted with the Planning and Building Services Department (Department). The applicant submitted a Request for ATO on March 16, 2021, but the conditions of Use Permit #2020-010 had not yet been met. An email was sent to the applicant from the Department on March 23, 2021, following a telephone call from staff, explaining that issuance of an ATO would require that a building permit be issued for the building conversion, that the building pass a final inspection, and that the \$200 ATO fee be paid. On March 26, 2021, the building plans came back from Willdan as “Not Approved,” with a number of corrections and comments. The applicant was notified of the items that needed to be addressed and the plans were returned to the applicant. The applicant stated that they were “going a different direction” and did not respond to comments or resubmit an application.

Pursuant to Lassen County Code Section 18.112.065(a), in any case where a use permit has not been used or extended under Section 18.112.070 within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void. A letter was sent from the Department to the applicant on December 2, 2022, stating that an ATO had not and could not be issued for Use Permit #2020-010, because the required building permits had not been issued as conditioned, and that the Use Permit Abandonment Procedure would be started if the building permit process was not reinitiated within 30 days. Subsequently, the applicant came to the Planning and Building Services counter to inquire about the building permit application that had been previously submitted. It was again explained that this building permit was not issued because they had not responded to the deficiencies identified by Willdan during the plan check process.

On December 29, 2022, another letter was sent from the Department to the applicant. This letter reiterated that completion of a building permit for the flour mill building was a condition of Use Permit #2020-010 and that a narrative describing the intended use of the building may help answer many questions asked by Willdan and help determine if any comments were not applicable. Enclosed with the letter was a copy of the Willdan’s comment letter and a copy of the Department’s December 2, 2022, letter. Again, nothing was received from the applicant in response to the Department’s request.

The applicant was sent notice on March 6, 2023, that submittal of a new building permit application would be required to continue with the proposed flour mill building conversion, and that it was the intention of the Department to file a Notice of Abandonment for Use Permit #2021-010, unless an appeal to the Planning Commission was received within 10 days. Enclosed were copies of both December 2022 letters from the Department, a copy of the Notice of Abandonment intended to be filed, and a copy of the Use Permit Abandonment section of Lassen County Code (§18.112.065). An appeal was received from the applicant’s attorneys by email on March 16, 2023.

Appeal Process:

Pursuant to Lassen County Code Section 18.112.065(e), The permittee may, within 10 calendar days, file an appeal to the Planning Commission of a determination by the Planning Director that the use has been abandoned under the provisions of this Section 18.112.065. The matter shall be scheduled for hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the Board of Supervisors as set forth in this chapter.

The Planning Commission may choose to:

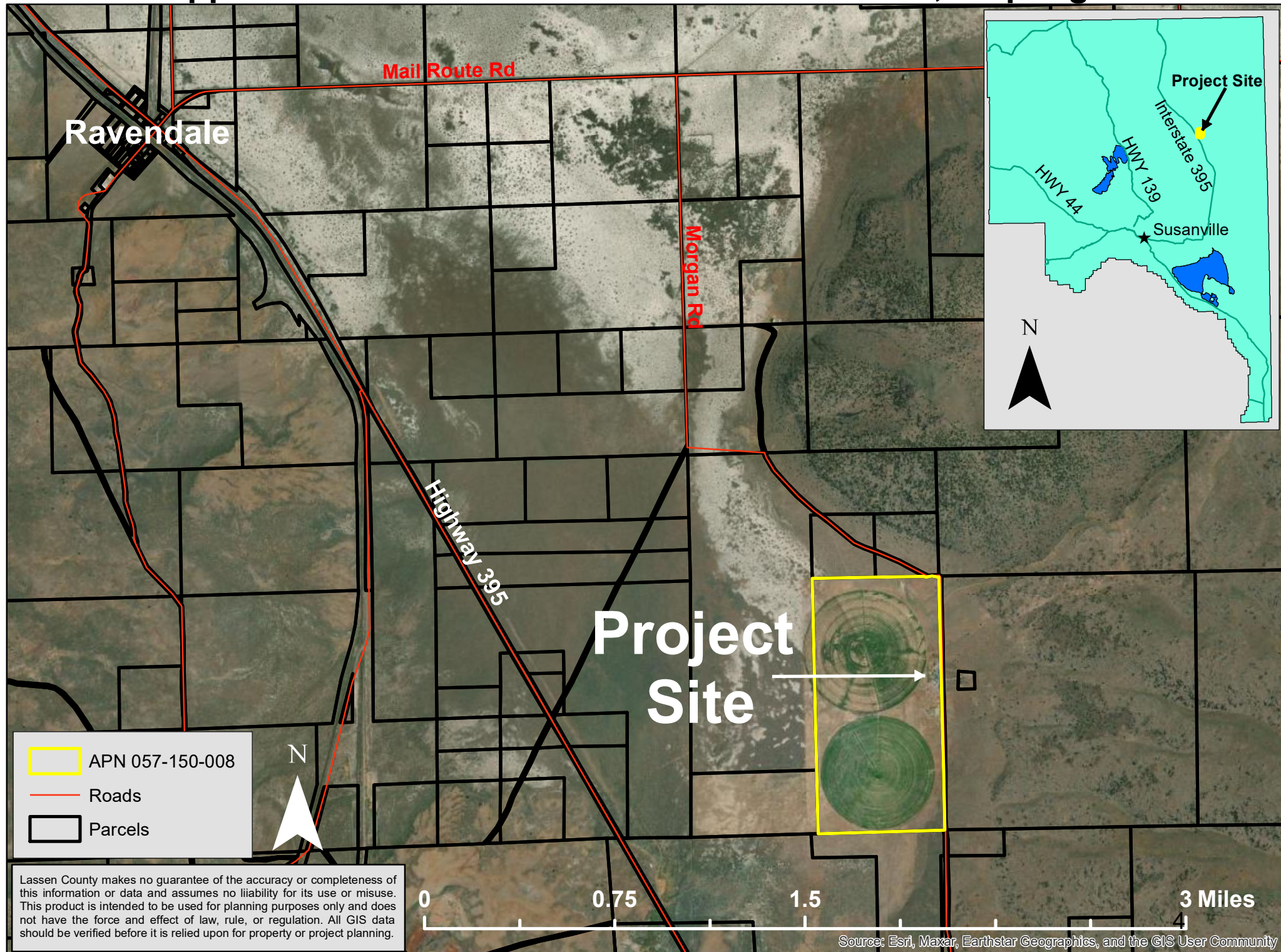
- a. Uphold the appeal and grant a one-year extension from this date for the applicant/appellant to meet the conditions of Use Permit #2020-010 (outlined in Resolution #3-03-21) and obtain an Authorization to Operate, as requested; or
- b. Uphold the decision of the Planning Director to abandon Use Permit #2020-010; or
- c. Provide alternative direction to staff.

MLA:njm

Enclosures:

Letter of Conditional Approval for UP#2020-010
Resolution #3-03-21
March 23, 2021, Email from Planning and Building
March 26, 2021, Comment Letter from Willdan
December 2, 2022, Letter for Planning and Building
December 29, 2022, Letter for Planning and Building
March 6, 2023, Notice of Intent to File a Notice of Abandonment
Lassen County Code Section 18.112.065
March 16, 2023, Appeal Letter

Appeal of Use Permit #2020-010 Abandonment, Traphagan

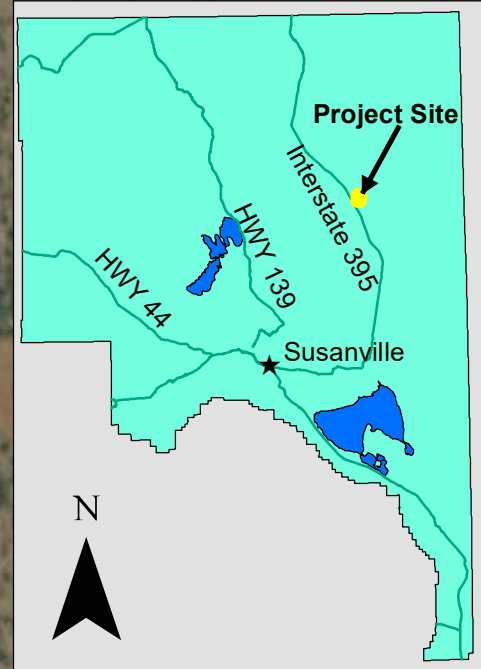


Appeal of Use Permit #2020-010 Abandonment, Traphagan

APN 057-150-008

**Ag Exempt Building
to be Converted
to Flour Mill**

Morgan Rd



- APN 057-150-008
- Roads
- Parcels



Lassen County makes no guarantee of the accuracy or completeness of this information or data and assumes no liability for its use or misuse. This product is intended to be used for planning purposes only and does not have the force and effect of law, rule, or regulation. All GIS data should be verified before it is relied upon for property or project planning.

0 50 100 200 Yards
5

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION TO
UPHOLD THE APPEAL OF THE USE PERMIT #2020-010 ABANDONMENT
AND GRANT A ONE-YEAR EXTENSION, TRAPHAGAN

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted May 2, 2023, has considered the appeal of the Use Permit #2020-010 abandonment by the Department of Planning and Building Services; and

WHEREAS, on March 2, 2021, the Planning Commission conditionally approved Use Permit #2020-010 to operate a flour mill on APN 057-150-008, for grain grown on site, within an existing 2,400-square-foot agricultural building; and

WHEREAS, the conditions of Use Permit #2020-010, outlined in Resolution #3-03-21, were never met by the applicant and an Authorization to Operate was never issued; and

WHEREAS, pursuant to Lassen County Code Section 18.112.065(a), in any case where a use permit has not been used or extended under Section 18.112.070 within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void; and

WHEREAS, the applicant was sent notice on March 6, 2023, that it was the intention of the Department of Planning and Building Services to file a Notice of Abandonment for Use Permit #2021-010, unless an appeal to the Planning Commission was received within 10 days; and

WHEREAS, an appeal was received on March 16, 2023, requesting a one-year extension.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds as follows:
 - a. The appellant presented evidence to the satisfaction of the Planning Commission that Use Permit #2020-010 was not abandoned.
3. The Planning Commission hereby upholds the appeal and grants a one-year extension from this date for the applicant/appellant to meet the conditions of Use Permit #2020-010 (outlined in Resolution #3-03-21) and obtain an Authorization to Operate.

RESOLUTION NO. _____

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 2nd day of May, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION TO
UPHOLD THE DECISION OF THE PLANNING DIRECTOR TO
ABANDON USE PERMIT #2020-010, TRAPHAGAN

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted May 2, 2023, has considered the appeal of the Use Permit #2020-010 abandonment by the Department of Planning and Building Services; and

WHEREAS, on March 2, 2021, the Planning Commission conditionally approved Use Permit #2020-010 to operate a flour mill on APN 057-150-008, for grain grown on site, within an existing 2,400-square-foot agricultural building; and

WHEREAS, the conditions of Use Permit #2020-010, outlined in Resolution #3-03-21, were never met by the applicant and an Authorization to Operate was never issued; and

WHEREAS, pursuant to Lassen County Code Section 18.112.065(a), in any case where a use permit has not been used or extended under Section 18.112.070 within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void; and

WHEREAS, the applicant was sent notice on March 6, 2023, that it was the intention of the Department of Planning and Building Services to file a Notice of Abandonment for Use Permit #2021-010, unless an appeal to the Planning Commission was received within 10 days; and

WHEREAS, an appeal was received on March 16, 2023, requesting a one-year extension.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds as follows:
 - a. The appellant did not present evidence to the satisfaction of the Planning Commission that Use Permit #2020-010 was not abandoned.
3. The Planning Commission hereby upholds decision of the Planning Director to abandon Use Permit #2020-010.

RESOLUTION NO. _____

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 2nd day of May, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission



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

Zoning & Building

Inspection Requests

Phone: 530 257-5263

March 3, 2021

Thomas Traphagan
P.O Box 66
Ravendale, CA 96123

RE: Use Permit #2020-010
Assessor's Parcel No.: 057-150-08

Dear Mr. Traphagan:

At the March 2, 2021, meeting of the Lassen County Planning Commission, the above referenced application was approved. Enclosed is a copy of Resolution No. 3-03-21, which contains the Planning Commission's findings and conditions of approval. Also enclosed is a Request for Authorization to Operate form which must be submitted to this office with proof of compliance with the conditions outlined in Exhibit A of Resolution No. 3-03-21.

Please note that the approved use may not begin until both the Use Permit and the Authorization to Operate (ATO) have been issued by the County. Please also note that pursuant to Lassen County Code Section 3.18.020 (a), the Authorization to Operate has a \$200.00 fee that must be submitted with the Request for Authorization to Operate.

Appeals: If you or any interested party is dissatisfied with the determination made by the Planning Commission, an appeal may be filed with the Board of Supervisors. A letter of appeal must be submitted to the County Clerk within ten (10) days from the Planning Commission's action, together with the filing fee of \$500.00. **Any appeal must be received by the office of the Lassen County Clerk by March 12, 2021.** If an appeal is not filed, you have one year from the effective date of approval, by March 15, 2022, to fulfill the conditions of approval that are required to receive an ATO, unless you submit a letter to the planning commission requesting an extension of time pursuant to Lassen County Code section 18.112.070.

If you have any questions or concerns, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Anderson', written in a cursive style.

Maurice L. Anderson,
Director

MLA:dch

Enclosures (Resolution, Request for Authorization to Operate form)

cc: Co. Assessor
Co. Environmental Health Department
Co. Building Official
Co. Public Works, Road Division

UP 2020-010/apvup.CEQAexempt

RESOLUTION NO. 3-03-21

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
USE PERMIT # 2020-010, TRAPHAGAN

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted March 2, 2021, has considered Use Permit Application #2020-010, filed by Thomas Traphagan, to operate a flour mill within an existing, 2,400-square-foot agricultural building at 515-805 Morgan Road in Ravendale, CA 96123 (APN: 057-150-08); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer has determined that this proposal is exempt from the California Environmental Quality Act under Sections 15061(b)(3) and 15303 of the 2021 CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee's findings, contained in the Planning Commission staff report.
3. The Planning Commission finds as follows:
 - a. That the proposed project is consistent with the *Lassen County General Plan, 2000*, Lassen County Code Chapter 18.69, and the provisions of Lassen County Code Chapter 18.112, which establishes the regulations regarding the issuance of Use Permits.
 - b. That the 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 of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
4. The Planning Commission hereby concurs with the Environmental Review Officer that the project qualifies for exemptions, pursuant to Sections 15061(b)(3) and 15303 of the 2021 CEQA Guidelines.
5. The Planning Commission hereby approves Use Permit # 2020-010, subject to the conditions of approval set forth in Exhibit "A" attached hereto.

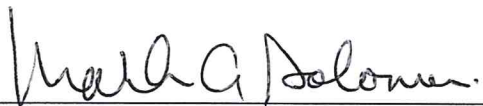
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 2nd day of March, 2021, by the following vote:

AYES: Commissioners Buckman, Ingram, Solomon and Shaw

NOES: None

ABSTAIN: None

ABSENT: None



Chairman
Lassen County Planning Commission

ATTEST:


Maurice L. Anderson, Secretary
Lassen County Planning Commission

By: Gaylon F. Norwood

EXHIBIT "A"

CONDITIONS OF APPROVAL
USE PERMIT #2020-010

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services for the existing building within which the proposed flour mill will operate, and such building must pass a final inspection before issuance of the Authorization to Operate.
4. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.

Stefano Richichi

From: Stefano Richichi
Sent: Tuesday, March 23, 2021 2:28 PM
To: sunsetranch68@gmail.com
Subject: Authorization to Operate

Hi Tom,

Like we talked about over the phone earlier, per the conditions of approval for your project, the authorization to operate (ATO) can't be issued until you receive a building permit for the building and said building passes a final inspection. Also, per the Section 3.18.020 (a) of the County Code, once the above happens, the ATO has a \$200 fee.

This email follows up on the request for authorization to operate form Andie dropped off last week on the 16th. Please let me know if you have any additional questions.

Best,

Stefano M. Richichi
Senior Planner
Lassen County Planning & Building Services
707 Nevada St, Suite 5
Susanville CA 96130
(530) 251-8269
(530) 251-8373 (FAX)



COMMENT LETTER

Date	3/26/2021
Jurisdiction	Lassen County
Plan Check/Permit Number	BP2021-017
Project Description	Convert Ag Bldg to Commercial Flour Mill - Traphagan
Site Address	515-805 Morgan Rd., Ravendale
Review Number	FIRST – NOT APPROVED
Plans Examiner/Phone Number	Annette Chavez, Sr. Plans Examiner/530.717.7953 achavez@willdan.com

These design documents have been reviewed to help ensure conformance with 2019 California Building Standards Code found in the California Code of Regulations, Title 24, including the 2019 Building Code, 2019 Electrical Code, 2019 Mechanical Code, 2019 Plumbing Code, 2019 Energy Code, and 2019 Green Building Standards Code, as applicable to this proposed project.

Mail/drop-off all resubmittal documents, including the CHECK SET plans, to the WILLDAN office: 2240 Douglas Blvd, Suite 270, Roseville, CA 95661. Do NOT mail/drop off documents to the County):

PLANS ARE REVIEWED FOR BUILDING CODES ONLY. CONTACT JURISDICTION FOR ADDITIONAL OUTSTANDING CLEARANCES.

Procedure for Resubmittal:

✚ Provide a written response to all plan check corrections.	✚ Identify all revisions made on the plans being resubmitted.
✚	✚

PLAN REVIEW COMMENTS-

The plans submitted have been deemed incomplete and lack sufficient details describing the proposed work. See the "Construction Plan Basic Requirements" shown below (This list is not a comprehensive list of requirements). Utilize this list when preparing your plans to ensure a complete set of plans. Provide the plans and a narrative describing the scope of work in detail as the plans as submitted here cannot be approved. The resubmittal will require additional review prior to permit approval, permit issuance and construction.

Provide plans that are stamped and signed by a licensed professional architect or engineer. The plans should also describe in detail the proposed work and the areas of work proposed. This includes but is not limited to, a detailed floor plan indicating all the specific areas where business is conducted; a detailed floor plan of the existing conditions and a floor plan of the proposed conditions; cash registers and counter locations; restrooms; breakroom; processing areas; shipping and loading areas/docks; specific locations of plumbing (existing and proposed);

COMMENT LETTER

electrical (existing and proposed); source of heat and air conditioning (existing and proposed); source of water heating; signage (shall be by separate permit); disabled access (accessible measures) existing and proposed; exiting plan/signs; construction details of any existing/new construction including foundation plans/calcs; manufacturer listings and specifications for mill equipment; and any reports, diagrams, or other documentation required by the County Building Department. Including of a narrative the proposal may also be helpful in describing the scope of proposed work.

CONSTRUCTION PLAN BASIC REQUIREMENTS SHALL INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ITEMS:

- Two (2) complete commercial plan sets, including two (2) copies of energy calculations, engineering calcs, and truss calcs as applicable. All plans shall be legible. All plans shall be drawn to a recognized scale (i.e. $\frac{1}{4}'' = 1'$). Include a Code analysis based on the current 2019 Building Codes. Due to the change of use/commercial use of the building, and the technical nature and detail required on the plan set, a professional licensed engineer or architect shall be required to prepare the plans. Plans that lack sufficient detail, are not to scale, incomplete or are illegible are not acceptable.
- Plot Plan shall be drawn to a recognized scale (i.e. $1'' = 10'$). Plot Plan shall be on same size of paper as construction plans. Include sizes of all structures, both existing and proposed. Location of all structures in relation to the property lines, with dimensions shown. Include all accessory buildings, walkways, parking, accessible parking, lighting, paths of travel, propane gas tanks, electrical service/utilities, etc. Name and location of streets/roads adjacent to the property. Location of driveway where it intersects county road/right of way. Show easements if any. North arrow showing the compass orientation. Areas of flooding or flood zones in relation to the proposed structure(s). Indicate Wildland Urban Interface requirements on the plan.
- Floor Plan shall show each floor, each level and descriptions of all rooms. Dimensions of all rooms and locations, types and sizes of windows and doors. Location and description of structural braced wall panels/shear walls. Location of all plumbing fixtures and appliances. Location of all heating and cooling appliances. Method of providing combustion air for fuel-burning appliances in confined spaces. Provide a one-line diagram, locations of all electrical equipment and devices (service panel, sub panels, lights, switches, receptacles, fans, smoke detectors/alarms, equipment). Manufacturer specifications of all milling equipment; including method of securing the equipment to prevent seismic displacement as required. Alterations to the existing space shall be shown with clear indications of new and existing conditions. Indicate construction details of any interior walls that create separate spaces. Label the separate spaces.
- Foundation Plan shall show continuous footings with length of each segment. Indicate where stem walls will be used if applicable. Provide a soils report that substantiates the foundation design. Location of all pier footings with location and size. Type of post

COMMENT LETTER

anchors with location and size. Type, size, spacing of reinforcing. Location and type of hold-downs with hold down bolts. Foundations for interior bearing walls. Location of interior braced wall panel/shear wall footings on thickened slab and sill attachment. Slab floors shall indicate two (2) pour or monolithic pour. Wood framed floors shall indicate size, spacing and spans of girders and joists. Indicate double joists where needed. Indicate the type of sub flooring material. Location of under floor access.

- Cross Section Drawings shall indicate the foundation size (width & depth) with reinforcing. Floor framing or slab if applicable. Wall framing size, type of material, spacing. Insulation R-values where applicable. Wall coverings, exterior and interior – if none specify “no wall covering”. Roof and ceiling framing members (size/spacing) or truss spacing, roof sheathing, roofing material, roof pitch.
- Elevations shall show the appearance of all exterior walls, roofs, doors, windows, and indicate the materials to be used. Elevations shall be shown from all orientations. Show heights of walls and overall heights of building. Indicate the roof pitch.
- Provide civil drawing(s) which includes all site drainage, drainage collection, drainage dispersal as required. Also provide a construction erosion and sediment plan for pollution prevention. For grading, provide plans showing the proposed final grades, cuts, fills, slopes and drainage. Need estimated volumes of cut and/or fill, plus estimated cost for doing the work.
- Two (2) copies of soils report, structural plans and calculations for the building and the foundation; Title 24 energy calculations; and truss calcs shall be submitted as applicable.
- Other documentation, specs, manufacturer listings, reports, diagrams, or approvals, etc., as may be required by the County Building Department.

Note: In order for a complete plan check to be conducted, a detailed written response shall be provided to address all comments on this plan check letter. Specify the page number within the plans/calculations to where the comments have been addressed. Cloud and delta any changes to the plans. Additional comments may apply to the resubmitted plans/calcs.



County of Lassen

Department of Planning and Building Services

• Planning • Building • 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

December 2, 2022

Thomas Traphagan
P.O Box 66
Ravendale, CA 96123

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

RE: Use Permit #2020-010
Assessor's Parcel No: 057-150-008

Dear Mr. Traphagan:

As of December 2, 2022, an authorization to operate (ATO) has not and cannot be issued for the above referenced use permit. As required by the use permit, building permits for the project have not been issued and have not passed final inspection (See Condition #3 of Resolution No. 3-03-21).

If the process is not initiated within 30 days of this notice Lassen County will start the Use Permit Abandonment Procedure in accordance with Lassen County code 18.112.065 (c) which states:

(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director's intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned.

If you have any questions, or if you would like to present evidence that you have not abandoned the use permit, please contact Chris Martin, Assistant Planner, at (530) 251-8269.

Sincerely,

Maurice L. Anderson
Director
MLA: CJM

S:\PLA\Planning\2020\#2020-010, Traphagan



County of Lassen
Department of Planning and Building Services

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

CERTIFIED MAIL/RETURN RECEIPT
7020 0640 0000 0829 6349

December 29, 2022

Thomas T. Traphagan
P.O. Box 66
Ravendale, CA 96123

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

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

Re: Building Permit Application Number BP2021-017
Use Permit Number 2020-010
Assessor Parcel Number 057-150-08

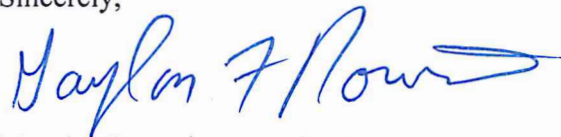
Dear Mr. Traphagan:

As requested on December 13, 2022, the comment letter for the above referenced building permit is attached. As discussed in our December 2, 2022 letter (attached), completion of said building permit is a condition of approval for Use Permit Number 2020-010 to operate a flour mill within an existing agricultural exempt building.

As stated in the attached comment letter, a narrative describing your intended use may help answer many of the questions that are being asked. It may be the case that some of the information identified in said letter is not applicable to your proposal based on the intended use, both inside and outside the building. An "engineer of record" or "architect of record," licensed in California, may be required to provide the information necessary to determine the non-residential occupancy, which will allow for the completion of the plan check. Certainly, engineered foundation plans will be required.

If you have questions regarding the attached comment letter, please contact the Building Official, Mike Johnson, at (530) 251-8269, at the Department's public assistance counter, or by email at mjohnson@co.lassen.ca.us.

Sincerely,


for Maurice L. Anderson, Director

MLA:gfn
Enclosure

cc: Planning Division, Department of Planning and Building Services
Environmental Health Division, Department of Planning and Building Services



County of Lassen
Department of Planning and Building Services

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

CERTIFIED MAIL/RETURN RECEIPT
7012 2920 0001 3923 6281

March 6, 2023

Thomas Traphagan
P.O. Box 66
Ravendale, CA 96123

RE: Use Permit #2020-010
Building Permit Application Number BP2021-017
Assessor Parcel Number 057-150-008
515-805 Morgan Road

Dear Mr. Traphagen:

This letter is to advise you that the building permit at 515-805 Morgan Road in Ravendale is expired. This letter follows the December 2, 2022, and December 29, 2022, letters (attached) mailed to you by this Department, pertaining to the above referenced use permit and building permit.

Building Permit Application Number BP2021-017

You submitted building permit application number BP2021-017 on March 5, 2021, and, on or shortly after March 26, 2021, a comment letter from our plan check-engineering firm (Willdan) was provided to you. You never responded to the deficiencies identified in said comment letter and the associated building permit was never issued. Said comment letter was again provided to you in the December 29, 2022, letter from this Department. Again, you did not respond.

As such, a new building permit application is required if you wish to proceed with the construction proposed in the above referenced building permit.

Use Permit #2020-010

As noted in this Department's December 2, 2022, letter, you have not secured an Authorization to Operate for the above referenced use permit. Further, you have not submitted any evidence that the above referenced use permit has not been abandoned as requested in said letter.

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

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

Thomas Traphagan
March 6, 2023
Page 2 of 2

Therefore, this letter is intended to inform you that the attached "Notice of Abandonment" will be filed with the Lassen County Clerk ten days from this notice unless an appeal is timely filed in accordance with subsection "(e)" of Section 18.112.065 (attached) of the Lassen County Code. Said appeal must be filed within ten calendar days of this letter.

In accordance with the above Section, the Lassen County Planning Commission would consider any appeal that may be filed. In accordance with Section 3.18.020 of the Lassen County Code, the fee to file an appeal is \$500. This fee must be paid before acceptance of an appeal.

Sincerely,



Maurice L. Anderson, Director

MLA:gfn
Enclosures

cc: Building Division (BP 2021-017)
Environmental Health Division

s/pla/Planning/2020/2020-010/Traphagan abandonment letter

When filed return to:

Lassen County Department of
Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

Notice of Abandonment

Notice is hereby given, pursuant to Lassen County Code Section 18.112.065, that certain conditional uses which have been approved and set forth within Use Permit Number 2020-010 (Planning Commission Resolution 3-03-21) for the property identified herein, are hereby declared by the County to be abandoned.

Legal Description of Property:

All that certain real property situated in a portion of Section 31, Township 34 North, Range 15 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

The East one-half of said Section 31, Township 34 North, Range 15 East, Mount Diablo Base and Meridian, according to the official plat thereof.

Assessor Parcel Number: 057-150-008 (previously Assessor Parcel Number 057-150-08)

Situs Address: 515-805 Morgan Rd
Ravendale, CA 96123-9642

Owner's Name(s): Thomas and Andrea Traphagan

Use Permit Number: 2020-010

Permittee: Thomas Traphagan

Uses which are no longer permitted and have been abandoned:

Operation of a flour mill within an existing, 2,400 square foot agricultural exempt building.

The filing of this notice shall impart constructive notice to the owners, permittees, and/or any other party, which maintains or may propose to have an interest in said property or business that the aforementioned has been abandoned.

Executed by Director of the Lassen County Department of Planning and Building Services:

Signature: _____ Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual(s) who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, Notary Public,
personally appeared _____

_____, who proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal,

Signature _____
Signature of Notary Public

Lassen County, California County Code

Title 18 ZONING

Chapter 18.112 USE PERMITS

18.112.065 Abandonment.

(a) In any case, where a use permit has not been used or extended under Section [18.112.070](#), within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void.

(b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or more, said permit shall be deemed abandoned and the use permit granted shall become null and void.

(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director's intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned.

(d) If, after fulfillment of subsection (c) of this section, it is the determination of the planning director that the permit has been abandoned and if no appeal has been filed according to the provisions of this section, a notice of abandonment shall be provided to the permittee and filed in the office of the county recorder, without cost.

(e) The permittee may, within ten calendar days, file an appeal to the planning commission of a determination by the planning director that the use has been abandoned under the provisions of this section. The matter shall be scheduled for hearing in accordance with the procedures set forth in Section [18.112.040](#) and be subject to the right of appeal to the board of supervisors as set forth in this chapter.

(f) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and a copy of said notice shall be filed with the office of the county recorder, without cost. (Ord. 467-H § 2, 1991).

Contact:

Clerk of the Board of Supervisors: 530-251-8427

STEVEN B. McCARTHY
SCOTT E. RUBRIGHT*
THOMAS PATRICK, JR.*
JACOB R. WRIGHT

*ALSO ADMITTED IN
COLORADO AND WYOMING
*ALSO ADMITTED IN OREGON

McCARTHY & RUBRIGHT, LLP

ATTORNEYS AT LAW
100 RIO STREET, P.O. BOX 190
RED BLUFF, CALIFORNIA 96080-0190
TEL (530) 527-0213
FAX (530) 527-7641
MRLAW@MCCARTHYRUBRIGHT.COM

WWW.MCCARTHYRUBRIGHT.COM

ROBERT E. McCARTHY

1920-2005

RECEIVED

MAR 16 2023

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

March 16, 2023

SENT VIA E-MAIL to landuse@co.lassen.us and U.S. MAIL

Lassen County Planning
707 Nevada Street,
Suite 5
Susanville, CA 96130

Re: Use Permit No.: 2020-010
Building Permit No.: BP2021-017
Assessor's Parcel No. : 057-150-008
Our File No. 2688-0003

Ladies and Gentlemen,

This letter shall constitute the Appeal by Thomas and Andrea Traphagan on the actions taken by the Director of the Planning and Building Department with respect to the alleged abandonment of Use Permit No. 2020-010, and Building Permit No. BP2021-017. This appeal is made pursuant to Lassen County Code Section 18.112.065. The \$500 fee for this Appeal has been provided concurrently with the filing of this Appeal.

The Appeal is generally based on the following, which may be supplemented at the Appeal hearing:

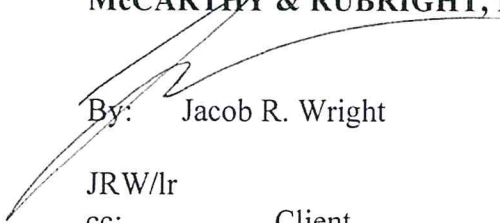
1. Mr. and Mrs. Traphagan do not intend to, nor do they desire to abandon the above referenced Use Permit or Building Permit, and request a one year extension on both permits;
2. Mr. and Mrs. Traphagan have been delayed in fulfilling the requirements under the above referenced Use Permit and Building Permit due to health issues, a death in the family, weather travel issues, and a misunderstanding of the requirements of the Use Permit or Building Permit;

Thank you for your consideration of this Appeal. It is my understanding that a hearing will be set on this matter. Please be advised that I am not available Friday, March 24, 2023, Tuesday, March 28, 2023, Friday March 31, 2023, or Tuesday, April 25, 2023 due to other scheduled legal matters. It is our request that the hearing be set on a date other than those dates provided above. Thank you for your consideration of this Appeal. Please contact the undersigned if you have any questions or require any additional information.

Sincerely,

Re: *Use Permit 2020-010 and Building Permit BP2021-017*
March 16, 2023
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McCARTHY & RUBRIGHT, LLP



By: Jacob R. Wright

JRW/lr

cc: Client