



County of Lassen
Department of Planning and Building Services

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

April 2, 2020

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TO: Technical Advisory Committee
Agenda Date: April 2, 2020

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: **USE PERMIT #2020-001, Stephen Polski (Ian and Pamela Lee).** Proposal to convert the second story of an existing barn/garage into a second housing unit. The proposed second housing unit would be 672 square feet, while the remaining barn/garage would be 1,776 square feet. The subject parcel is zoned A-2-B-4 (Agricultural Residential, 4-Acre Building Site Combining District) and has a "Rural Residential" land use designation in the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3), 15301, and 15303 of the 2020 CEQA Guidelines. The subject parcel site is located approximately one mile northeast of the intersection of Sunnyside and Standish-Buntingville Roads at 465-965 Lazy J Lane in Janesville, CA. APN: 129-420-62. Staff Contact: Stefano Richichi, Senior Planner

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

1. The subject parcel is zoned A-2-B-4 (Agricultural Residential, 4-Acre Building Site Combining District).
2. The subject parcel has a "Rural Residential" land use designation in the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*.
3. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
4. The applicant is proposing to convert the second story of an existing barn/garage into a second housing unit. The proposed second housing unit would be 672 square feet, while the remaining barn/garage would be 1,776 square feet.
5. According to Lassen County Code Section 18.108.270, "...in any zone on a parcel of land where there is in existence a legally-established 'single-family dwelling,' as defined in this title, a 'second dwelling unit,' may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of [Title 18 of the Lassen County Code]."
6. Furthermore, according to Lassen County Code Section 18.108.270(2), in A-2 zones, such second dwelling unit shall be subject to the following:

- (a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.
 - (b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.
 - (c) One additional off-street parking space shall be required.
 - (d) Second dwelling unit must be individually approved by the county health department.
 - (e) Design review shall be required.
- 7. Unless the Planning Commission finds otherwise, parking at the site is adequate such that an additional off-street parking space is not necessary.
 - 8. This use permit application also serves the purposes of design review.
 - 9. The proposed project is consistent with the architectural requirements found at Lassen County Code Section 18.108.235, except that it is sided with metal. The Planning Commission has the authority to approve deviations from the County's architectural standards.
 - 10. The proposed project is consistent with the development standards set forth for the A-2 district found at Lassen County Code Section 18.18.050.
 - 11. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
 - 12. The land use element of the *Lassen County General Plan, 2000* describes the "Rural Residential" land use designation as follows:

Rural Residential

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

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

Corresponding Zoning: "A-2", Agricultural-Residential District. An A-2 District is typically combined with a "B", Building Site Combining District, to indicate minimum or average building sites ranging from three to twenty acres (e.g., A-2-B-5). Minimum parcel sizes may be regarded as average parcel sizes under special "density option" Provisions of the "B" Combining District.

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

Designation of Land Uses

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

1. ISSUE: Land Use Compatibility

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

2. ISSUE: Growth and Development

- *GOAL L-5: Orderly, contiguous growth and appropriate land-conserving densities as an alternative to sprawl and "leap-frog" development.*
- *LU-8 POLICY: Future residential development should consist of the expansion of, or be located adjacent to, existing communities, designated rural centers, and established residential areas. An increasing number of small, isolated housing tracts in outlying areas shall be discouraged since they are difficult to provide with urban services and they tend to disrupt the surrounding rural and productive activity of ranches, forests and farms.*

3. ISSUE: Housing

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

4. ISSUE: Neighborhood Quality

- *GOAL L-8: Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County.*
- *LU21 POLICY: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.*
- *GOAL L-9: Protection of the open, rural character of the county.*

- *LU22 POLICY: The County shall encourage expansion of existing residential areas and discourage sprawl and scattered development.*
- *GOAL L-10: Reasonable development and design review standards which protect communities from poorly designed development which detracts from the overall quality of the area.*
- *LU23 POLICY: The County will continue to utilize design review districts in selected areas in order to ensure that buildings and other substantial developments are designed and constructed so as not to be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development and appearance of the neighborhood.*
- *Implementation Measure LU-O: The County will continue to utilize... related Design Review procedures where and when warranted.*

14. The Planning Commission will determine whether the proposed project is consistent with the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

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

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant must secure approval from the Environmental Health Department for the second housing unit and its related septic system.
4. The second housing unit shall not be painted in florescent, luminescent, or other extreme colors which detract from the appearance of the neighboring property, the community as a whole or the natural environment.
5. The second housing unit and related building's metal siding must be treated with an oxidation inhibitor and shall have a no-glare surface.
6. Prior to issuance of an Authorization to Operate or any residential occupancy, all required building permits must be secured and pass a final inspection. Residential occupancy is not allowed until an appropriate Certificate of Occupancy is issued. Engineered plans for both

the residential addition and the barn itself must be submitted since the barn was constructed without building permits as an agricultural exempt structure limited to qualifying agricultural use. The applicant must also meet any building code requirements for a change of occupancy.