



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

July 15, 2021

 **DRAFT**

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

TO: Technical Advisory Committee
Agenda Date: August 5, 2021

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit No. 2020-004 – Charles I. Hooper.
Assessor's Parcel Numbers: 137-170-012 and 137-170-013.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The subject property is currently owned by Charles I. Hooper, a married man, as his sole and separate property, as shown at Grant Deeds recorded on November 18, 2019, as Document Numbers 2019-04720 and 2019-04723, both of the Official Records of Lassen County, California. This property is represented by Assessor's Parcel Numbers 137-170-012 and 137-170-013 and is located in a portion of Section 36, Township 27 North, Range 17 East, Mount Diablo Base and Meridian.
2. The legal descriptions for the real property noted in Findings Item Number One above are described as Lots 1 and 2, the West one-half of the Northeast one-quarter (W1/2 NE1/4) and the Northwest one-quarter (NW1/4), of Section 36, Township 27 North, Range 17 East, Mount Diablo Base and Meridian, excepting therefrom the property conveyed to the Western Pacific Railway Company per deed recorded on November 17, 1905 in Book P of Deeds, Page 549, of the Official Records of Lassen County, California.
3. The parcel history for the subject property was researched by this office and it was discovered that two underlying legal parcels are present within the subject ownership. This is evidenced by two separate deeds that were recorded on December 10, 1919, in Book 4 of Deeds, Pages 488 and 489 of the Official Records of Lassen County, which describe lands separately conveyed to two different parties by J.P. Arthur and Tracey B. Arthur. The Northeast one-quarter of said Section 36 was conveyed by Book 4 of Deeds, Page 488 and the Northwest one-quarter of said Section 36 was conveyed by Book 4 of Deeds, Page 489. No mergers or lot line adjustments were discovered within the chain of title so these underlying legal parcels would still remain in existence.
4. The subject property is bisected by the right-of-way of the former Western Pacific Railway Company as described in Findings Item Number Two above. Western Pacific Railway Company recorded a second deed on January 10, 1906 in Book P of Deeds, Page 608, for "*the purpose of making the description of said land more certain and definite*" which provided a more specific description of the lands described at said Book P of Deeds, Page 549, of the Official Records. Additional right-of-way widths, lying 50 feet on each side of the previously acquired right-of-way and over lands within the Northwest one-quarter of said Section 36, were also acquired by the Western Pacific Railway Company as evidenced by a deed recorded on June 24, 1907 in Book R of Deeds, Page 130. It is unknown if access rights exist across the former Western Pacific Railway Company rights-of-way since none of the deeds mention this nor does the preliminary title report that was received mention anything.

5. The subject property is encumbered by various easements that were granted to the Tuscarora Gas Transmission Company as evidenced by *Right-of-Way Grant* documents which were recorded on November 21, 1994 in Book 607, Pages 783 through 811, inclusive, all of the Official Records of Lassen County. The two primary easements described within these documents (one being 50 feet in width and the other being 30 feet in width) are for underground pipeline purposes and are located within the subject property. The plot plan that was submitted for the project (showing the proposed solar array) appears to recognize the 50 feet wide easement, however it does not appear to recognize the 30 feet wide easement and shows the array being constructed directly over the easement. These easements are graphically shown in a Schedule "A" for each of the various easement documents cited above and a copy of one of them is hereby attached for ease of reference (See Sheet Three).
6. The subject parcel adjoins both Duck Lake Road and CalNeva Road, which are privately maintained gravel roads that are not within the County maintained road system.

LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR USE PERMIT NO. 2020-004 (CHARLES I. HOOPER):

1. The two underlying legal parcels, these being the Northeast one-quarter and the Northwest one-quarter of Section 36, Township 27 North, Range 17 East, Mount Diablo Base and Meridian, shall be merged *if* any proposed construction activities are to occur across the boundary line common to said aliquot portions. If a merger is required, a Certificate of Merger shall be recorded in the Official Records of Lassen County prior to issuance of any permits for development by the Lassen County Building Department.
2. No structures shall be constructed within the easements that have been granted to the Tuscarora Gas Transmission Company by *Right-of-Way Grant* documents which were recorded on November 21, 1994 in Book 607, Pages 783 through 811, inclusive, all of the Official Records of Lassen County. The various easements applicable to the subject property are described within these documents and are also graphically shown in a Schedule "A" for each document. Exceptions to this could be obtained through permission granted by the Tuscarora Gas Transmission Company and/or by termination of the easement(s). If a permit for development is issued for construction of any structure, it shall be the applicants' responsibility to demonstrate to this Department that the structure(s) are not located within the easements or any within any applicable setback limits.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor

SCHEDULE A

BOOK 607 PAGE 794

