• Environmental Health

• Code Enforcement

Surveyor

· Surface Mining

Phone: 530 251-8269

March 24, 2022



Maurice L. Anderson, Director 707 Nevada Street, Suite 5 Susanville, CA 96130-3912

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TO: **Technical Advisory Committee** 

Agenda Date: April 7, 2022

FROM: Maurice L. Anderson, Director

RE: Parcel Map #2022-002, Pasqual

### **Project Description**

PARCEL MAP #2022-002, Pasqual. Proposal to divide a 47.85-acre parcel into two parcels; proposed resultant Parcel 1 would be 5 acres and proposed resultant Parcel 2 would be 42.85 acres. The subject parcel is primarily zoned A-2-B-5 (Agricultural Residential 5-Acre Building Site Combining District), with a lesser portion zoned A-2-B-80 (Agricultural Residential 80-Acre Building Site Combining District), and has a General Plan land use designation of "Rural Residential" per the *Pittville Area Plan, 1986*. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15183 of the CEQA Guidelines. The subject parcel is located at 552-000 Day Road, McArthur, CA 96056, approximately 14 miles west of Bieber, via U.S. Highway 299. APN: 001-090-009. Staff Contact: Nancy McAllister, 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-5 (Agricultural Residential 5-Acre Building Site Combining District), with a lesser portion zoned A-2-B-80 (Agricultural Residential 80-Acre Building Site Combining District).
- 2. The subject parcel has a General Plan land use designation of "Rural Residential" per the Pittville Area Plan, 1986.
- 3. The applicants are proposing to divide a 47.85-acre parcel into two parcels; proposed resultant Parcel 1 would be 5 acres and proposed resultant Parcel 2 would be 42.85 acres.
- 4. The minimum parcel size identified for the A-2-B-5 zoning district is five acres. Lassen County Code Section 18.102.050(3) identifies a minimum of one acre, and minimum lot width 150 feet, for property utilizing individual septic system and individual well. Lassen County Code Section 12.12.020 identifies a minimum of one acre for new divisions of

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land if the lot is to be served by a single connection well for the source of domestic water and the sewage disposal is by means of a septic tank system. The proposed parcel map meets these requirements.

- 5. Improvements on the subject parcel identified by the applicants include two single-family residences, two septic systems, two wells with wellhouses, and a shed. If the parcel map application were approved, resultant Parcel 1 would contain one house with a well, wellhouse, and septic system, and resultant Parcel 2 would contain the other house, well, wellhouse, and the shed.
- 6. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
- 7. A parcel map meets the definition of a "subdivision" pursuant to Lassen County Code Section 16.08.180.
- 8. Lassen County Code Chapter 16.20 et seq. establishes the regulations regarding approval of tentative parcel maps.
- 9. Pursuant to Lassen County Code Section 16.20.070, the Planning Commission may approve the tentative map if it finds that the parcel map, together with its provision for its design and improvements, is consistent with the applicable general or specific plans adopted by Lassen County. Said section also states that the Planning Commission may modify or delete any of the conditions of approval recommended in the technical advisory committee report, *except conditions required by county ordinance*. The Planning Commission may add additional requirements as a condition of its approval.
- 10. Pursuant to Lassen County Code Section 16.20.080, the Planning Commission may deny the tentative map on any of the grounds provided by county ordinances or the Subdivision Map Act. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:
  - 1. That the proposed map is not consistent with applicable general and specific plans;
  - 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
  - 3. That the site is not physically suitable for the type of development;
  - 4. That the site is not physically suitable for the proposed density of development;
  - 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

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- 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.
- 11. Lassen County Code Chapter 18.18 *A-2 Agricultural Residential District*, describes the intent of the A-2 zoning district as follows:

18.18.010 Intent

The A-2 district is intended to provide an area where rural residential uses can be compatibly mixed with agricultural activities, at the same time protecting these agricultural uses and safeguarding the character, peace and general welfare of the county.

- 12. If the parcel map application were approved, the residential uses on both resultant parcels would be consistent with the primary uses allowed by right within the A-2 zoning district, pursuant to Lassen County Code Section 18.18.030.
- 13. Consistency with the *Lassen County General Plan*, 2000, and the *Pittville Area Plan*, 1986, is to be determined by the Lassen County Planning Commission.
- 14. 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).

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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."

The *Pittville Area Plan, 1986*, describes the "Rural Residential" land use designation as follows:

The term "Rural Residential" shall mean that the land is suitable for residential use, but that consideration of the area's rural character, environment, and resource constraints and other suitability factors suggest that residential density should generally not exceed one dwelling unit per five acres (i.e., no less than 5 acres minimum parcel size).

15. The *Lassen County General Plan, 2000*, relates the following goals and policies that inform the proposed project:

LU10 POLICY: Subdivision map applications proposing to create parcels primarily for residential development shall not be approved in areas outside of fire protection districts (with limited exceptions, supported with special findings, through processes such as Segregation of Homesites, etc.).

*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.

- 16. The proposed project is consistent with the Lassen County General Plan, zoning ordinance, and subdivision ordinance.
- 17. The subject parcel is within the McArthur Fire Protection District.
- 18. Parcel map applications are subject to the provisions of Lassen County Code Chapter 9.16, which outlines fire-safe requirements.
- 19. The Environmental Review Officer has found that this project is not subject to further environmental review under Section 15183 of the CEQA Guidelines.
- 20. Section 15183(a) of the CEQA Guidelines states:

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an

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EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

### 21. Section 15183(d) of the CEQA Guidelines states:

This section shall apply only to projects which meet the following conditions:

- 1. The project is consistent with:
  - (A) A community plan adopted as part of a general plan,
  - (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
  - (C) A general plan of a local agency, and
- 2. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.
- 22. The Lassen County General Plan, 2000, sets forth a density of 1 to 7.25 dwelling units per acre, and 3 to 22 people per acre for the "Town Center" land use designation, depending on the availability of water and sewer services. The density proposed by the parcels to be created by this parcel map application are consistent with the above density. Additionally, an EIR was adopted for the Lassen County General Plan, 2000. Therefore, Section 15183, as described above, applies to the project, and so the project is not subject to further environmental review.

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

- 1. The final map for Parcel Map No. 2020-003 shall meet all provisions of Title 16 Subdivisions, as determined by the Lassen County Surveyor and the Lassen County Planning Commission.
- 2. Prior to recordation of the parcel map, the applicants shall clearly indicate the location of the septic system on proposed Parcel 1, to the satisfaction of the Department of Planning and Building Services.
- 3. Prior to recordation of the parcel map, the applicants must obtain written confirmation from the Lassen County Fire Warden that the proposed parcel map meets all requirements of Lassen County Code Chapter 9.16, or otherwise obtain an exception from the Fire Warden.
- 4. 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. 2020-003, based on one or more of the findings listed in Lassen County Code Section 9.16.190.

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5. A note shall be recorded on the final map for Parcel Map No. 2020-003 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 are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.

### MLA:njm

 $S:\PLA\Planning\2022\PM\#2022-002,\ Pasqual\TAC$ 



Maurice L. Anderson, Director

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March 24, 2022

**DRAFT** 

TO:

Technical Advisory Committee Agenda Date: April 7, 2022

FROM:

Don Willis, Lassen County Surveyor

RE:

Parcel Map No. 2022-002 – Thomas and Brenda Pasqual.

Assessor's Parcel Number: 001-090-009.

### LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

- 1. The parcel to be considered as shown on the tentative parcel map submitted with application for Parcel Map No. 2022-002 is owned by Thomas M. Pasqual and Brenda L. Pasqual, husband and wife as joint tenants, per a Grant Deed recorded on June 29, 2001 as Document No. 2001-04358 of the Official Records of Lassen County, California. The subject parcel is represented by Assessor's Parcel Number 001-090-009 and is located in a portion of Section 19, Township 38 North, Range 6 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 Government Lot 4 and the Southeast one-quarter of the Southwest one-quarter (SE1/4 SW1/4) of Section 19, Township 38 North, Range 6 East, Mount Diablo Base and Meridian, *excepting therefrom* an approximately 9 acre parcel that is located in the southwesterly portion of said Government Lot 4. This exception parcel is represented by Assessor's Parcel Number 001-090-008, is owned by other parties, and is not a part of the proposed minor land division.
- 3. The underlying legal parcel of the subject property was originally created by Patent Number 1129873 which was issued by the U.S. Government on August 31, 1950. This patent transferred Government Lots 3 and 4 along with the Southeast one-quarter of the Southwest one-quarter (SE1/4 SW1/4) of Section 19, Township 28 North, Range 6 East, Mount Diablo Base and Meridian. Said Government Lot 3 was subsequently separated and conveyed to another ownership per a Grant Deed recorded on December 24, 1958 in Book 144, Page 144, of the Official Records of Lassen County. A 9 acre parcel in the southwesterly portion of said Government Lot 4 (Assessor's Parcel Number 001-090-008) was also subsequently separated and conveyed to another ownership per a Grant

Lassen County Surveyor's Findings and Conditions

Page 2 of 5

Deed recorded on November 9, 1961 in Book 172, Page 232, of the Official Records of Lassen County. The remaining parcel after these two conveyances is the subject parcel of this proposed land division, which is as described in Findings Item Number Two above. The aforementioned parcel history of the subject parcel demonstrates that this parcel was created in accordance with the provisions of the Subdivision Map Act and local ordinances.

- 4. The subject property is encumbered by several overhead utility lines as shown on the tentative parcel map, however it is unknown if recorded easements exist for these as no preliminary title report has been submitted. The tentative map shows that one of the utility lines is subject to a P.G.& E. easement per Book 280, Page 212, of the Official Records of Lassen County and per a Record of Survey filed at Book 30 of Maps, Page 21, of said Official Records. These references are not applicable to the subject property however as the easement document and survey apply to lands that are within Section 30, which is southerly of Section 19 where the subject property is located. A preliminary search of the title chain did not reveal an easement being granted to P.G.& E. over the subject property, however, as mentioned, a preliminary title report has yet to be submitted for the project.
- 5. The existing parcel size of the subject property is approximately 47.85 acres as shown on the tentative parcel map that was submitted for Parcel Map No. 2022-002. This map shows that a new 5.00 acre parcel, labeled as Proposed Parcel One, will be created in the southwesterly corner of the existing parcel. This will cause the remaining parcel, labeled as Proposed Parcel Two, to be approximately 42.85 acres in size.
- 6. The tentative parcel map submitted for Parcel Map No. 2022-002 shows that access to the subject property is by way of Day Road, Lassen County Road No. 408 / Shasta County Road No. 0S001, which is a County maintained road that is maintained by Shasta County through historical agreement. The existing parcel currently abuts this road and both proposed parcels would directly abut it as well.
- 7. The tentative map that was submitted for Parcel Map No. 2022-002 shows that the right-of-way width for said Day Road is 60 feet wide, with 30 feet being on each side of centerline. This agrees with various other record maps that have been filed in the surrounding area and several of these maps (21 Maps 44 and 30 Maps 21) indicate that the 60 feet wide right-of-way is prescriptive. No offers of dedication to the County appear to have ever been made over the right-of-way within the limits of the subject lands.

Lassen County Surveyor's Findings and Conditions

Page 3 of 5

- 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. 2022-002 (THOMAS AND BRENDA PASQUAL):

- 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 on February 24, 2022 for Parcel Map No. 2022-002.
- 3. Owners shall cause a field survey of the property shown on the tentative parcel map submitted for Parcel Map No. 2022-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.160 of the Lassen County Code.
- 4. Owners shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Day Road, Lassen County Road No. 408 / Shasta County Road No. 0S001, which falls within the project boundaries, lying thirty (30) feet easterly of the centerline over that portion which adjoins the easterly boundary line of that certain parcel known as Assessor's Parcel Number 001-090-008, and lying thirty (30) feet on each side of centerline (for a total width of 60 feet) over the remaining portions of said Day Road that fall within the project boundaries.
- 5. 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. 2022-002, 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. 2022-002 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.
- 6. Owners, owner's agent(s) or applicants shall provide information and/or required

Lassen County Surveyor's Findings and Conditions

Page 4 of 5

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. 2022-002 have been satisfied or fulfilled.

- 7. 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 16.20.170 and 16.20.180, to the Lassen County Surveyor for review and approval. The parcel map shall reference and show all easements of record, or any created or offered for dedication, including those shown on the tentative parcel map for Parcel Map No. 2022-002, 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. 2022-002.
  - (b) All information required by Lassen County Code, Chapter 16.20, Sections 16.20.180 and 16.20.190.
  - (c) An index of specific recorded survey maps (i.e. Records of Surveys, parcel maps, subdivision maps, G.L.O. 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.
- 8. After the parcel map, including its form and content, have been determined to be acceptable by the County Surveyor, in accordance with Lassen County Code, Section 16.20.200, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-002 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 16.20.210 and 16.20.220. This submittal of the parcel map shall also include any documents which are required to be recorded concurrently with the parcel map. A Parcel Map Guarantee shall also be submitted along

Lassen County Surveyor's Findings and Conditions

Page 5 of 5

with the appropriate fees necessary to the record the parcel map and any related documents.

- 9. 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 16.20.180(3)(A)(B) of the Lassen County Code.
- 10. Prior to recordation of Parcel Map No. 2022-002, 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

Don Willis, L.S. 7742 Lassen County Surveyor

Parcel Map #2022-002, Pasqual Project Site **★**Susanville Biebe -Project Site Nubieber APN 001-090-009 Hwy 299 Roads Lassen County makes no guarantee of the accuracy or completeness of 1.25 **5 Miles** this information or data and assumes no liiability 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 Source: Esri, Mexer, Geo Eye, Earthster Geographics, CNES/Airbus DS, USDA, USGS, Aero GRID, IGN, and the GIS User Community should be verified before it is relied upon for property or project planning.

Parcel Map #2022-002, Pasqual **Project Site** Parcel 2 42.85 acres **★**Susanville APN 001-090-009 Parcel 1 Parcel 2 APN 001-090-009 Roads Lassen County makes no guarantee of the accuracy or completeness of 250 500 Yards this information or data and assumes no liiability 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 Source: Esri, Maxar, Geo Eye, Earthster Geographics, CNES/Airbus DS, USDA, USGS, Aero GRID, IGN, and should be verified before it is relied upon for property or project planning.



### 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 FEB 2 4 2022

(530) 251-8269 · (530) 251-8373 (fax) www.co.lassen.ca.us LASSEN COUNTY DEPARTMENT OF

Form must be typed or printed clearly in black or blue ink.	EANNING COLORS	
All sections must be completed in full. Only attach additional sheets if necessary.  FILE NO. PM 2022-00 2		
	Property Owner/s	
Name: THOMAS & BRENDA PASQUAL	Name:	
Mailing Address: 552-000 DAY ROAD	Mailing Address:	
City, ST. Zip: MCARTHUR, CA 96056	City. ST. Zip:	
Telephone: (530) 515-8395 Fax:	Telephone: Fax:	
Email: brenpasqual@frontiernet.net	Email:	
Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)	
Same as above: X	Correspondence also sent to: X	
Name:	Name: NST ENGINEERING	
Mailing Address:	Mailing Address: 1495 RIVERSIDE DRIVE	
City, ST, Zip:	City, ST, Zip: SUSANVILLE CA 96130	
Telephone: Fax:	Telephone: (530) 257-5173 Fax:	
Email:	Email: nst@frontiernet.net License #: 4647	
Project Address or Specific Location:		
Deed Reference: Book: Page:	Year: Doc#: 2001-04358	
<b>Zoning:</b> A-2-NH-5, A-3-NH-80	General Plan Designation:	
Parcel Size (acreage):	Section: 19 Township: 38 Range: 6	
Assessor's Parcel Number(s): 00\ - 690 009		
2		
Subdivision (5 or more parcels created)		
Number of Parcels: Parcel Size Range:	(acres or square feet). Use:	
Parcel Map (4 or fewer parcels created).		
Parcel No Size: <u>5AC</u> (acres or square feet). Uses: <u>RESIDENTIAL</u>		
	eet). Uses: RESIDENTIAL	
Parcel No Size: (acres or square fe	eet). Uses:	
Parcel No Size: (acres or square fe		
SIGNATURE OF PROPERTY OWNER(S): I HEREBY	*SIGNATURE OF APPLICANT/AUTHORIZED	
ACKNOWLEDGE THAT: I have read this application and state  REPRESENTATIVE (Representative may sign application on behalf		

provided).

of the property owner only if Letter of Authorization from the owner/s is

Date:

Date:

that the information given is both true and correct to the best of my

concerning this application.

knowledge. I agree to comply with all County ordinances and State laws

Date:

1.	Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
	Yes X 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): PARCELS FRONT PUBLIC
	ROAD
2.	Proposed Water Source: Public System X Private System
	Explain SEPARATE WELL SYSTEMS
3.	Method of Sewage Disposal: Public System X Private System
٠.	
	Explain SEPARATE LEACHFIELD SYSTEMS
	DAPIGNI CT. / NO. 1. T. T. C.
4	List All Recorded Access and Utility Easements: 280 OR 212
7.	List Ath Recorded Access and Othrty Lasements.
5	Does the Owner Own Other Land Near the Project Site? X No Yes APN(s)
0.	Does the Owner Own Other Land real the Project Site: A 140 1 tes Al 14(3)

