



County of Lassen

Department of Planning and Building Services

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

DRAFT

October 19, 2022

Maurice L. Anderson, Director

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TO: Technical Advisory Committee
Agenda Date: November 3, 2022

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

Environmental Health

Messages: 530 251-8528

email: EHE@co.lassen.ca.us

RE: Notice of Violation #2022-011, Rojas

Project Description

NOTICE OF INTENT TO RECORD A NOTICE OF VIOLATION #2022-011, Rojas. The Technical Advisory Committee (TAC) will receive and consider evidence to determine if a Notice of Violation should be recorded for 20 acres of land, approximately eight miles northeast of Ravendale, CA. The parcel is zoned U-C-2 (Upland Conservation/Resource Management District) and is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*. APN: 045-150-016. Staff Contact: Nancy McAllister, Senior Planner

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

1. Assessor's Parcel Number 045-150-016 is 20 acres and was first separately conveyed by a Grant Deed that was recorded on October 13, 1972, in Book 260, Page 50, of the Official Records of Lassen County, without following required procedures of the Subdivision Map Act.
2. March 4, 1972, was the effective date of the Subdivision Map Act legislation that added the requirement that a subdivision or parcel map be approved and recorded for proposed divisions of land.
3. Because the parcel was created by deed after the establishment of the Subdivision Map Act regulations (after March 4, 1972), the Lassen County Surveyor has identified that a violation of the Subdivision Map Act and Lassen County Ordinance 409 (the ordinance in effect at the time) has occurred.
4. There is no record or evidence of any existing improvements, building permits, or land use entitlements related to the subject parcel.
5. The current owner of the subject property is not the same owner that created the original violation.

6. A Notice of Intent to Record a Notice of Violation was sent to the current property owner by certified mail on September 15, 2022.

The Planning Division of the Lassen County Department of Planning and Building Services recommends the following:

1. Given the above findings, the Lassen County Department of Planning and Building Services concurs with the Lassen County Surveyor's recommendation that the Technical Advisory Committee approve recordation of a Notice of Violation.



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Phone: 530 257-5263

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Messages: 530-251-8528

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TO: Technical Advisory Committee
Agenda Date: November 3, 2022

FROM: Don Willis, Lassen County Surveyor

RE: Recordation of Notice of Violation No. 2022-011 – Ernest and Barbara Rojas.
Assessor's Parcel Number: 045-150-016.

PROJECT DESCRIPTION: NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION NO. 2022-011, ERNEST AND BARBARA ROJAS. The Lassen County Technical Advisory Committee will receive and consider evidence to determine if a Notice of Violation should be recorded for a 20 acre parcel of land that is located in a portion of Section 15, Township 35 North, Range 15 East, Mount Diablo Base and Meridian, approximately eight miles northeasterly of the community of Ravendale, California. The current zoning of the subject parcel is U-C-2 (Upland Conservation/Resource Management District) and is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*. A Notice of Violation will be recorded if the Technical Advisory Committee determines that the subject parcel was created in violation of the provisions of the California Subdivision Map Act. Assessor's Parcel Number: 045-150-016. Staff Contact: Don Willis, P.L.S., Lassen County Surveyor.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The parcel to be considered for Notice of Violation No. 2022-011 is known as Assessor's Parcel Number 045-150-016 and title is currently vested in Ernest H. Rojas and Barbara B. Rojas, husband and wife as joint tenants, per a Grant Deed recorded on December 20, 1982 in Book 411, Page 523, of the Official Records of Lassen County.
2. The legal description shown in the vesting deed listed in Findings Item Number One above describes the subject property as the East one-half of the Southwest one-quarter of the Southwest one-quarter (E1/2 SW1/4 SW1/4) of Section 15, Township 35 North, Range 15 East, Mount Diablo Base and Meridian.
3. The subject parcel is 20 acres in size and was first separately conveyed by a Grant Deed that was recorded on October 13, 1972 in Book 260, Page 50, of the Official Records of Lassen County. Prior to recordation of this deed, the subject parcel was combined with other lands as evidenced by a Grant Deed that was recorded on October 27, 1971 in Book 249, Page 227, of the Official Records of Lassen County. The legal description in the 1971 deed

describes the property as the South one-half of the South one-half (S1/2 S1/2) of said Section 15. This description describes a 160 acre parcel of property and denotes lands currently represented by Assessor's Parcel Numbers 045-150-010 *through* 045-150-017. This parcel would be considered a single "legal" parcel under the provisions of the Subdivision Map Act. The parcel represented by Assessor's Parcel Number 045-150-015 was sold by Tax Deed that was recorded on June 16, 1995 per Book 619, Page 131, of the Official Records of Lassen County. The parcel represented by Assessor's Parcel Number 045-150-017 was issued a Conditional Certificate of Compliance (No. 172-2005) that was recorded on January 27, 2006 as Document No. 2006-00734 of the Official Records of Lassen County. These two parcels are therefore exempt from receiving violations of the Subdivision Map Act.

4. The subject parcels in said South one-half of the South one-half of said Section 15 (Assessor's Parcel Numbers 045-150-010 *through* 045-150-017) were first identified by the County of Lassen in 2005 as *not* having been created in accordance with the provisions of the Subdivision Map Act. This is evidenced by documents that were prepared by the Department of Community Development and the Public Works Department for a December 14, 2005 meeting of the Technical Advisory Committee. The only parcel that was ultimately acted upon was Assessor's Parcel Number 045-150-017, which received the Conditional Certificate of Compliance described in Findings Item Number Three above. It is unknown why the remaining parcels were never issued Notices of Violation once the violations were known, as required by the Subdivision Map Act and County Code.
5. The subject parcel was first separately conveyed on its own in October of 1972, as noted in Findings Item Number Three above, therefore a violation of the Subdivision Map Act occurred because the deed was recorded after March 4, 1972 and no parcel map was filed as required by the Subdivision Map Act and Lassen County Subdivision Ordinance No. 409 (the ordinance in effect at the time of the violation).
6. The current owners of the subject property are not the same owners that created the original violation. Lassen County Subdivision Ordinance 435 was the ordinance in effect at the time the current owners acquired their interests in the property in 1982.
7. A Notice of Intention to Record a Notice of Violation, as required by Section 66499.36 of the Subdivision Map Act and Section 16.48.040 of the Lassen County Code, was mailed by certified mail to the current property owners, Ernest and Barbara Rojas, on September 15, 2022.

LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR NOTICE OF VIOLATION NO. 2022-011 (ERNEST AND BARBARA ROJAS):

1. Based on the findings made above, the Lassen County Surveyor recommends that the Technical Advisory Committee approve recordation of a Notice of Violation for those

certain lands represented by Assessor's Parcel Number 045-150-016, which is currently owned by Ernest H. Rojas and Barbara B. Rojas, husband and wife as joint tenants, per a Grant Deed recorded on December 20, 1982 in Book 411, Page 523, of the Official Records of Lassen County.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor