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range from 1 to 7.25 units per acre. Residential development is generally not encouraged, but may be allowed under limited circumstances. If allowed, residential use should not interfere with the intent of the designation. Population density may range accordingly from an average of 3 to 22 people per acre.

Corresponding Zoning: "M-L", Limited Industrial District.

### **URBAN RESERVE**

The Urban Reserve designation may be used as an overlay to indicate areas where the development of urban-type uses will be directed in the future. It will typically overlay an interim land use designation (e.g., Extensive Agriculture), and the underlying designation and corresponding zoning district would prevail until a new, more specific land use designation is adopted to confirm the appropriate types of land uses which may be developed in that area. Interim land uses should be low in intensity and not preclude future planning and development opportunities.

A general plan amendment will eventually be needed for an Urban Reserve area to consider the specific types and intensities of land uses which may be considered when the area is actually proposed for development. Consideration will be given to the pattern and compatibility of land uses in adjoining areas and the availability of needed infrastructure, among other land use planning concerns.

### **NATURAL RESOURCE LAND USES**

#### **Intensive Agriculture**

The Intensive Agriculture designation identifies lands devoted to or having high suitability potential for the growing of crops and/or the raising of livestock on natural or improved pasture land. It requires the provision of parcel sizes large enough to support agricultural land use and production. Intensive Agriculture areas also provide a variety of open space resources including wildlife habitat and scenic resources.

This designation incorporates and generally replaces the land use term of "Crop Land and Prime Grazing Land" used in the 1968 General Plan and in some area plans adopted since then. On the Land Use Map contained in this Land Use Element, areas indicated as "Intensive Agriculture" are intended to conform with areas designated in 1968 as Crop Land and Prime Grazing Land. Within certain area plans, more specific identification and designation of Intensive Agriculture areas may be made.

To the extent that residential uses are allowed, building intensity will generally not exceed .025

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DUA. Population density will generally average .067 PPA. Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: "E-A", Exclusive Agriculture District; "A-3", Agricultural District; "U-C", Upland Conservation District; "U-C-2", Upland Conservation/Resource Management District.

**Extensive Agriculture**

The Extensive Agriculture designation primarily represents typical rangeland areas with grazing and general rangeland values, natural wildlife habitat, open space and scenic values, and/or low intensity outdoor-oriented recreational values. It also includes general forest areas, timber production areas and related uses. Large parcel sizes are required to support and protect resource values. Except in special "open space" areas, it may accommodate limited dispersed residential uses; however, such uses will typically be related and secondary to agricultural and other resource based land uses, including dispersed recreation and mining. Subject to County permit requirements and the provisions of related elements of the General Plan, areas designated Extensive Agriculture may also accommodate natural resource-related production facilities, including but not limited to: mineral extraction and processing, including asphalt and similar plants; saw mills and logging operations; and facilities for the processing of agricultural products.

The "Extensive Agriculture" designation has generally incorporated and replaced the "Grazing and Sagebrush Environment" designation used in the 1968 General Plan and in some area plans. Where the term "Grazing and Sagebrush Environment" continues to be used, it shall be considered to be synonymous with "Extensive Agriculture". The Extensive Agriculture designation has also incorporated areas which were designated "General Forest Environment".

To the extent that residential uses are allowed, building intensity will generally not exceed .025 DUA. Population density will generally average .067 PPA. Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: "U-C", Upland Conservation District; "U-C-2", Upland Conservation/Resource Management District; "TPZ", Timber Production Zone.

**Open Space**

Open Space, when used as a land use designation, typically identifies public lands which are primarily used for natural resource protection and management. The designation may include private lands. Generally, development which is not directly related to resource management or production is inconsistent with an "open space" designation. Therefore, both building intensity and population density will typically be zero. Privately-owned open space lands may, however,

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correspond with the Intensive or Extensive Agriculture land use designations in terms of building intensity and population density.

The term "open space", however, is more often used as a general description of areas having open space resource values and is not intended to serve as a land use designation. The Open Space Element should be consulted for more information.

Corresponding Zoning: "O-S", Open Space District; "O-D", Primitive Area District; "U-C", Upland Conservation District; "U-C-2", Upland Conservation/Resource Management District; "TPZ", Timber Production Zone District; "F-R", Forest Recreation District; "O-H", Historic Site District.

**Scenic Corridor**

Scenic Corridors identify areas bordering major highways which have significant or sensitive scenic values due to the existence of significant scenic features and the level of public exposure to those areas. This designation always overlays a primary land use designation. Although special standards may apply to development within such corridors (e.g., design review criteria), uses allowed and corresponding zoning and development standards, including building intensity and population density, are factors of the primary land use designations.

**Conservation/ Conservation Corridor**

Identifies natural resource areas that require special protection or conservation or which present special opportunities for parks or other carefully planned outdoor-oriented recreational uses. Typically, building intensity and population density will be zero unless the corridor overlays a primary land use designation which takes precedence.

**Trail Corridor**

Indicates designated corridors for trails and areas which provide access to or through natural resource and recreational areas. This designation will typically overlay a primary land use designation.

**INSTITUTIONAL LAND USES**

**Institutional**

The Institutional land use designation is applied to lands used and typically owned by public or quasi-public agencies, districts and organizations for governmental or public service purposes. The range of uses varies widely, including educational facilities, detention facilities, military

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establishments, fire management facilities, and general governmental administrative buildings. Accordingly, there is a wide range of possible building intensities and population densities. These range from zero to, in the case of correctional and military group housing, relatively high levels of building intensity and population density.

The scope of development on Institutional lands is usually regulated by the agency which manages the property. Management and site development is often outside the jurisdiction of the County's land use element. However, some Institutional properties are owned and managed by the County.

Certain institutional uses may be specifically designated according to the specialized function of the land or facility (e.g., landfill, correctional facility, etc.).

Corresponding Zoning: "I-1", Institutional District.

**Schools**

Specifically designates educational facilities when not otherwise encompassed by a Town Center designation.

Corresponding Zoning: "I-1", Institutional District.

## **SPECIAL DEVELOPMENT STANDARDS**

The Lassen County Code and other County ordinances include area requirements which provide building and development standards for circumstances which may not be adequately addressed by the minimum parcel size requirements in specific zoning districts. These development standards are subject to revision, and the County may find it necessary for reasons including health and safety to consider adoption of similar provisions in the future.

For example, Lassen County Code Section 18.102.050 included the following standards as of 1998:

For property utilizing an individual septic system and an individual well, the minimum building site is one acre. (This equates to one dwelling unit per acre, or DUA.)

For property utilizing an individual septic system and on a community water system, the minimum building site is 20,000 square feet. (Approximately two DUA.)

For property utilizing an individual well and a community sewage system, the minimum building site is 6,000 square feet. (7.25 DUA.)

For property utilizing a community water system and a community sewage system, the minimum building site is 6,000 square feet. (7.25 DUA.)

For corner lots utilizing community water and sewage systems, a minimum of 7,000 square feet is required. (6.22 DUA.)

Another example of a special development standard was addressed in Ordinance No. 454 wherein the County required special combinations of four or six lots within the Spalding Tract at Eagle Lake in order to have a minimum building site to be served by individual wells and septic tanks.

Ordinances such as these which may be adopted by the County will clarify the provisions of special development standards when applicable.

## **LASSEN COUNTY GENERAL PLAN LAND USE ELEMENT**

### **SECTION FOUR: BACKGROUND REPORT**

The following section highlights background information related to important land use issues in Lassen County. These issues have been identified through evaluation of the 1968 General Plan, land use issues which have evolved in Lassen County over time, and in reflection on issues addressed in the area plans which have been developed since 1982. Some land use issues (e.g., agricultural uses, wildlife areas, housing, etc.) and related resource management issues are addressed in greater detail in other elements of the General Plan.

Through a better understanding of land use issues, the County and its residents and property owners can continue to improve upon the County's land use policies and development decisions. This will facilitate more efficient and compatible land use patterns and help minimize and resolve issues of incompatible land uses. It will also help provide protection of the County's natural resources from development proposals which may not fully recognize and respect the need to protect those resources which contribute to the economy, environmental health, and the general quality of life of the greater Lassen County community.

#### **ISSUE: Land Use Compatibility**

The need to achieve and maintain compatibility between adjacent land uses has long been a primary goal in land use planning. Compatibility is needed not only to protect property values and land use opportunities, but is also important in order to preserve the general harmony, peace of mind, and perceived quality of life of the people who live and work in the County.

The issue of compatibility is often considered in the development of zoning regulations within specific zoning districts. For example, residential uses are less likely to encounter the intrusion of incompatible neighboring uses in residential districts, but are more likely to experience incompatible uses if adjacent to a heavy industrial zoning district, or if the residential development is in a district which permits a variety of uses, including commercial uses.

Residential uses are among the most sensitive land uses in terms of experiencing incompatible

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impacts from neighboring land uses. This is because of the desire and expectation of residents for a peaceful, quiet and secure living environment. These expectations often fuel controversy and land use disputes when residential development occurs in areas where existing land uses in the vicinity will be perceived in the future as a nuisance to residences. Such conflicts, for example, often occur in the vicinity of airports. They are also frequent occurrences in agricultural areas where residents want to enjoy the rural setting but do not appreciate the level of activity which is necessary for productive agricultural operations.

Of course, incompatible uses are not limited to residential situations. A restaurant owner may feel that the dust and noise from an automobile body shop with a dirt parking lot next door is not a compatible or complimentary land use. Schools and churches can be expected to object to the location of bars and liquor stores in their vicinity.

It is important in considering the location of proposed development that the creation or acceleration of potential incompatible land use situations is anticipated and avoided when possible. When zoning districts themselves do not prohibit potentially incompatible types of land uses, development standards may be used, including conditions of approval with use permits, to attempt to mitigate incompatible land use factors.

**ISSUE: Growth and Development**

Meeting the demand and expectations for new housing and related development as Lassen County's population continues to grow will be one of the major growth and development issues in the years to come. The need for new employment and market opportunities for a growing population will also necessitate the growth and development of commercial and industrial land uses as well as schools and other community facilities to provide needed services.

A healthy rate of growth and development is necessary for the economic well-being of the County and its people, even if it is difficult to determine exactly what a "healthy" rate of growth may be in many circumstances. The economic benefits of growth include employment opportunities, expanded markets, and increased property values and tax base. Adverse impacts of growth include increased traffic, greater demands on existing community services and schools, and pressure for development in previously undeveloped areas which may possess high natural resource values. For example, the expansion of the California Correctional Facility and the increased influx of employees and prison-related families has and will present economic opportunities as well as new development and social challenges for Lassen County.

In April, 1993, the California Department of Finance made the following projections of total population for Lassen County (including the City of Susanville):

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YEAR	1990	2000	2010	2020	2030	2040
POPULATION	27,800	35,700	39,900	44,000	47,900	51,800

As addressed in Lassen County's Housing Element, the California Department of Housing and Community Development (HCD) periodically prepares a "Regional Housing Needs Plan" pursuant to California Government Code Section 65584. This plan is intended to prescribe what HCD concludes is Lassen County's share of the state's future housing needs. The plan adopted by HCD in June, 1991, was intended to cover the period of January, 1991 to July, 1997. According to the plan, a total of 8,330 housing units would be needed by 1997 to accommodate the projected number of households in the unincorporated area of Lassen County. In the seven-year period addressed in the plan, the construction of approximately 198 units per year would be necessary to meet the projected need.

As Lassen County's population continues to grow, new housing will be needed. A major land use question concerns where this development should occur. Some developers and real estate speculators will claim that areas which are already designated for residential development are inadequate and that there should be increased opportunities for development of new residential areas. Some housing specialists will argue that the County needs to direct new housing projects to higher density developments in existing communities to mitigate the rising costs of housing and to minimize the sprawl of residential land uses into outlying agricultural and open space areas.

In January, 1993, the Lassen County Department of Community Development conducted an inventory of the number and acreage of vacant parcels which are located in zones which typically accommodate residential land uses. These calculations indicated that the County had the estimated capacity for more than 18,300 dwelling units on vacant land which is already zoned to allow residential development. Much of the issue, therefore, is not whether there is enough land designated for residential and other development, but whether or not areas designated and to be considered for future development are distributed in well-conceived land use patterns and densities with adequate services, and to what extent can the County attempt to accommodate the variety of development proposals with which it will be presented.

For example, the term "rural residential development" describes the act of developing rural land into residential parcels. There is a long tradition of this type of development in many areas of Lassen County. However, many of these areas contain agricultural lands. Some areas have the soil qualities and water resources which could have been developed for agriculture in the past but were not. Other areas have wildlife habitat resources which will be eliminated or reduced in habitat value by clearing and development for rural residential use.

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As in many rural areas across the country, maintaining the “rural character” of Lassen County is a strong and constantly expressed desire of local residents. For many people who have moved to Lassen County, the rural character and small town qualities of communities in the area are among the main reasons why they came and why they have stayed in the area.

The general philosophy of the 1968 General Plan in respect to rural residential development was:

The guiding principal is that existing communities and developments should absorb growth pressures before isolated new development is encouraged. More efficient provision of needed services such as water and sewer will occur with compact rather than scattered development. Subdivision far in advance of market demand should be discouraged as leading often to poor quality physical development and expenses to the County not compensated by increased tax revenues.” (1968 General Plan, Page 1)

Furthermore, “An increasing number of small, isolated housing tracts in outlying areas should be discouraged for two reasons: they are difficult to provide with urban services, sewerage and snow removal for example, and they tend to disrupt the surrounding rural activity and appearance of ranches, forests and farms. (Page 20)

It should be noted that, on the subject of possible “new towns” as an exception to small isolated housing tracts, the 1968 General Plan made the following observations: “An unlikely exception would be a true ‘new town’ of substantial scale, in an appropriate location and with timely development of housing, shopping and public facilities such as water and sewer systems, schools, fire protection and so on. Any ‘new town’ proposal would need to be reviewed with great care to be sure that it was large enough to avoid the problems of isolated subdivisions and that it would be truly advantageous to the future development of the County.” (1968 General Plan, Page 20)

As discussed in other sections of this Element and throughout the general plan, there is and will be the constant need for the County to carefully consider the impacts of new development proposals, whether they be rural residential development or other forms of growth and land use development, and determine the extent to which they may adversely affect community services, surrounding land uses, or the environmental setting and natural resource base in general. This need not be done in an adversarial manner. It should and can be accomplished fairly and with a firm understanding that a “healthy rate” of development can be supported without sacrificing the social and environmental qualities of the County which should be protected.

Some growth and development impacts relating to a variety of issues (protection of rural character, wildlife habitat, agricultural land, etc.) may be mitigated by development plans and patterns that are more creative and innovative than what is often considered as the “cookie cutter” subdivision. A typical subdivision, for example, might propose to take an 80-acre parcel and divide it into eight

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equal ten-acre parcels regardless of how resource values might be disrupted or destroyed. However, an alternative example would be to identify resource values and areas with development constraints which would benefit by being retained in a larger parcel and, while still creating eight new homesites, allow and cluster seven or more smaller parcels in areas which are more appropriate for development outside of the larger resource-protection area.

This type of alternative land division design may be regarded by several terms (depending on other features of the development plan) including conservation subdivision, clustered development, density option, or planned unit development. Of course, general plan designations and zoning need to allow, if not encourage, the flexibility necessary for these types of proposals. If the zoning simplistically requires a ten-acre minimum parcel size, it will be difficult to cluster smaller homesites in ways that protect identified resources.

In some cases, incentives can be offered to encourage growth and development in ways which expand development opportunities while protecting natural resource and “open space” values. The developer could be offered a “density incentive” whereby extra parcels would be permitted in exchange for protecting resources with undeveloped areas. Also, the natural, open space character of the undeveloped area may be an amenity to the homeowners in the developed areas, thereby adding to the area’s attractiveness and marketability. In many cases, such open space areas such as this may be owned and managed by a homeowners association if they are not retained for agriculture or special wildlife purposes. Sometimes, such open space areas or special conservation easements which overlay them are held by land trusts or units of government.

It is important to note that such conservation areas do not become public or publicly accessible unless the landowner or developer wants it to be and, one way or another, benefits by allowing it to be. These conservation-oriented development approaches are not “takings” because the landowners decide if they wish to take advantage of the opportunities and, through density incentives or other mechanisms, receive just compensation.

Zoning and development codes must provide clear standards to guide the conservation design and development process. For instance, the large, undeveloped area may need to be placed in a conservation easement which would go in perpetuity with title to the property. The easement would be intended to ensure that the conservation area will remain essentially undeveloped and only be used for agriculture or other resource-related uses in the future.

**ISSUE: Area Plans**

An important objective in the revision of the Lassen County General Plan was the need to more clearly and comprehensively reference and incorporate area plans and the area plan process into the overall general plan process and format. It is not the intent of the County to amend any of the area

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plans in the process of revising the overall Land Use Element or any of the elements of the General Plan. Rather, the Land Use Element clarifies that area plans are and will continue to be vital and effective elements of the County's General Plan.

The 1968 General Plan included detailed planning policies for the areas of Westwood and Eagle Lake. These "area plans" were the prototypes of the County's use of area plans to address planning issues in defined planning areas. Use of area plans by Lassen County began to receive renewed attention in 1982 with adoption of a new *Eagle Lake Area Plan*. The list of area plans, as of 1999, consists of:

*Westwood* (1968)  
*Eagle Lake* (1982, replacing the 1968 area plan)  
*Hallelujah Junction* (1984)  
*Susanville Vicinity* (1984)  
*Pittville* (1986)  
*Standish/Litchfield* (1986)  
*Johnstonville* (1987)  
*Wendel* (1987)  
*Hayden Hill Resource Plan* (1991)  
*Richmond/Gold Run* (1993)

The *Hayden Hill Resource Plan*, which functions as an area plan, was adopted in 1991 as an amendment to the Lassen County General Plan in conjunction with the County's approval of the Hayden Hill Gold Mine project. The planning area is limited to the vicinity of the Hayden Hill mining project.

In 1993, a substantial general plan amendment was adopted for the Janesville Planning Area, an area which generally corresponded to the Janesville Fire Protection District. That amendment was adopted to clarify and strengthen the consistency of general plan land use designations with the zoning which was adopted in 1977 and which had since evolved over the years in the Janesville area.

Lassen County's area plans have been adopted and are recognized as amendments of the General Plan relating not only to the Land Use Element but to other general plan elements as well. They contain the land use maps and land use designations which apply to lands within each identified planning area. Since the adoption of the original General Plan Land Use Element in 1968, the County has used its area plans to further define and reinforce its land use goals and policies. These area plan goals and policies have been considered and are reflected in the development of the overall policies of the current general plan.

One interesting component of Lassen County's area plan process has been the development of

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Master Environmental Assessments (MEA). An MEA is an inventory and study of the physical, environmental, social, and economic elements of a specifically defined planning area. MEAs contain the data and provide for the analysis out of which area plan policies have evolved. They have also been used for reference in Initial Studies, Negative Declarations, and Environmental Impact Reports for projects within the planning areas.

**ISSUE: Housing**

The overall housing goal of Lassen County, as expressed in the 1993 revision of the County Housing Element, is:

To provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County, regardless of race, age, religion, sex, marital status, ethnic background, or personal disabilities, and support economic development projects which will provide employment opportunities so that people will be able to afford adequate housing.

Table LU-1 contains a profile of the County's housing stock.

Government Code Section 65583 states:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing.

Detailed requirements for the content of housing elements and the process of periodic revisions are included in Article 10.6 of the Government Code (Section 65580, et seq). Regarding periodic review and update, Section 65588(b) states that, "the housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review."

Basic construction needs, or general housing needs, are expressed in the Housing Element as the minimum number of units needed to accommodate projected new households, provide a reasonable vacancy rate, and make up for housing units that will need to be replaced. Projections of basic construction needs are made by the California Department of Housing and Community Development (HCD) and are presented to counties and cities as the "Regional Housing Needs Plan".

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<b>TABLE LU-1: LASSEN COUNTY 1998 HOUSING STOCK CHARACTERISTICS</b>			
	<u>Susanville</u>	<u>Unincorporated</u>	<u>Total County</u>
Total Units	3,711	7,755	11,466
Single Detached	2,418	5,020	7,438
Single Attached	52	29	81
Multiple (2-4)	342	112	454
Multiple (5 plus)	607	154	761
Mobile Homes	292	2,440	2,732
Total Occupied Units	3,375	6,112	9,487
Percent Vacancy	9.05	21.19	17.26
Persons per Household	2.484	2.745	2.652

Source: *California Department of Finance Report E-5, Lassen County Population and Housing Estimates, April, 1998.*

For example, the Regional Housing Needs Plan adopted by HCD in 1991 projected that Lassen County would, in the period of 1991 to 1997, need to facilitate the construction of 1,389 new housing units to help meet the expected housing needs of the region. These needs are further broken down by income levels. Additional projections were made by HCD for the rehabilitation and conservation of housing units. These projections were incorporated, as required, in the Housing Element.

In terms of the relationship between housing and land use, Government Code Section 65583(a)(3) states that the Housing Element shall contain:

An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public

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facilities and services to these sites.

In January, 1993, the Lassen County Department of Community Development conducted an inventory of the number and acreage of vacant parcels which are located in zones which typically accommodate residential land uses (see Chapter III, *Lassen County Housing Element*, 1993). The conclusion of these calculations indicated that the County had the estimated capacity for more than 18,300 dwelling units on vacant land which is already zoned for residential development. A number of factors, however, can be expected to prevent the utilization of many of these vacant parcels for residential development. These factors include physical building constraints which were not fully recognized when the zoning was originally adopted. It also includes the factor that land owners and developers may choose to develop larger (and more expensive) "estate" parcels rather than the maximum number allowed by the zoning and which could provide more affordable lots for lower income housing.

The following related statement is included in the 1993 revision of the Housing Element:

In conclusion, Lassen County has, in terms of quantity of acreage, an adequate amount of land zoned for residential development to meet projected housing needs. However, the County does not appear to have adequate areas served by the range of community services that can support significant amounts of higher-density residential development. The development or expansion of community sewer and/or water systems in some of the town centers, or the extension of the City's [Susanville's] services, would help facilitate the provision of affordable housing through multi-family housing.

In consideration of the relationship of zoning to housing needs, the County also made the following determination in the Housing Element:

Zoning is an actual constraint to the development of housing in some areas, since the potential density of housing is largely controlled by zoning. The County generally favors development which is sparse and consistent with the rural character of the area. However, it appears that the County needs to consider zoning additional land in appropriate areas to higher density zones to facilitate the development of affordable multi-family housing for lower income groups. This could also include additional sites for mobile home parks.

The 1993 Housing Element contains the following selected objective and program policies related to land use:

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Objective Three: Providing Adequate Sites  
and Services

The County will provide adequate sites to be designated in the General Plan and zoned for residential land use to meet the objectives of this element, and will facilitate the expansion of needed water, sewer, and fire protection services.

Programs:

3.1 The County will continue to review General Plan and Area Plan land use designations and zoning in areas where water, sewer, and fire protection services are available and will maintain an adequate supply of lands in such areas zoned for residential land use, including multi-family residential development.

3.2 The County will assess the geographical distribution of assisted housing to ensure that housing opportunities are appropriately distributed and that no individual communities have a disproportionate share of such housing.

3.3 The County will apply for, and continue to encourage districts and non-profit organizations in the application for, state and Federal grants to expand and improve community infrastructure, including water and sewer systems, and to improve structural fire protection services to serve residential development.

The reader should refer to the current revision of the Housing Element for a complete review of programs which may be applicable to related land use issues.

A related housing issue, not to be confused with the issue of “second residential units” which may be located on a parcel with a primary home (refer to the next issue discussion below), is the issue of “second home development”. This refers to what are often considered to be “vacation homes”. The 1968 General Plan stated that, “In many respects, the person who is buying a second home is the most desirable type of ‘tourist’ because of the substantial investment required to establish a vacation home.” (Page 10) Among other related statements were: “The principal of compact development applies equally to recreation home and to permanent home development,” and “At a future time, when a significant amount of building has occurred in existing subdivisions and the market for second homes in the County continues to be strong, then additional subdivision will be appropriate. Each new development proposal should be evaluated in terms of good access, safety and sanitation and its effect on resource development or the natural scenic or recreational use of the particular area.” (Page 20)

**ISSUE: Second Residential Units**

In 1994, at the time that the California Legislature adopted laws which generally encouraged and supported the approval of second residential units, it declared that second units are a valuable form of housing in the state because they provide housing opportunities for a wide range of the population, including family members, students, the elderly, in-home health care providers, the disabled, and others at below market prices within existing neighborhoods (Government Code Section 65852.150). The Legislature also found that benefits of second units include the understanding that they provide a cost-effective means of serving development through the use of existing infrastructure, and that they provide relatively affordable housing for low- and moderate-income households.

Government Code Section 65852.2 states that any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The Government Code contains procedures and standards whereby second units in single-family and multifamily zones may be allowed. A jurisdiction's ordinance may designate areas where second units may be permitted, and may impose standards on second units which include, but are not limited to, parking, height, setbacks, lot coverage, architectural review, and maximum size of unit. However, it was the intent of the Legislature that any ordinances adopted by local agencies which regulate second-unit housing have the effect of providing for the creation of second units. The provisions of these ordinances should not be so arbitrary, excessive or burdensome that they unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by the local ordinance.

If, according to the Government Code, a jurisdiction does not establish an ordinance and procedures to approve second units, a use permit or other special permit must be granted to permit the use if an applicant meets the state standards. For example, the state's standards include provisions such as: (E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area; and (F) The total area of floor space for a detached second unit shall not exceed 1,200 square feet. The state's provisions do not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

Under limited circumstances, a jurisdiction may preclude second units after adopting an ordinance making certain findings.

No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify the ordinance (Government Code Section 65852.2(c)).

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It should also be noted that, in addition to the more-general second unit provisions, the state has special so-called "Granny Housing" provisions contained in Government Code Section 65852.1. This section provides that a jurisdiction may issue a zoning variance or use permit for the following type of dwelling unit:

... a dwelling unit to be constructed, which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over, and the area of floor space of the attached dwelling does not exceed 30 percent of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet.

However, this section is not intended to limit the requirements of Section 65852.2 for general second units described above, or the power of local governments to permit second units.

As of 1997, Lassen County's provisions for second housing units are contained in Section 18.108.270 of the Zoning Code. As adopted via Ordinance 467-F in 1988, this section provides development standards for allowing a "second dwelling unit", upon first securing a Use Permit, in any zone on a parcel of land where there is in existence a legally-established "single family dwelling". This section specifies that such use shall be subject to, but not limited to, minimum criteria and development standards for R-1 [Single Family] zones, and A-2 [Agricultural Residential] zones or any other zones where a single family dwelling has been legally established.

The development standards for R-1 zones include requirements that the maximum living area shall not exceed 1000 square feet, maximum allowable lot coverage is 45 percent, and the second unit must be connected to community water and sewer utilities for services or individually approved by the County Health Department.

In A-2 and other zones where a single family dwelling has been legally established, the maximum living area of the second unit shall not exceed 1000 square feet unless the applicant proposes to install a "mobile home" which would not be attached to a permanent foundation (in which case there is no specified limitation), and the second unit must be individually approved by the County Health Department.

In both cases, design review is required and the architectural design of the second dwelling unit must be visually compatible with and complimentary to the existing dwelling on the property and others in the vicinity, and one additional off-street parking space is required.

There have been concerns expressed in some areas of Lassen County over the cumulative impacts of permitting second units in what are primarily single-family districts. Many of the concerns

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involve areas which are zoned A-2, Agricultural Residential District. Parcels in these areas generally range from three to twenty acres in size and are transitional from agricultural and rangeland land use to low density residential use. Complaints regarding second units have included concerns over the additional traffic and dust generated on un-paved access roads, the proliferation of dogs which may harass sheep and livestock, and the general growth and change in the character of the population in areas which a number of people feel should retain more agricultural and open space qualities as opposed to relatively higher-density residential characteristics with related impacts.

Similar concerns over second units have been expressed in estate residential areas and other R-1, Single-Family Residential, Districts where the design of subdivisions and the expectations of many property owners did not contemplate the potential doubling of homesites on parcels which were intended for single-family use and single dwelling development. In fact, some subdivisions have codes, covenants and restrictions which do not allow second units. This presents an awkward dilemma for the County when it is asked to approve applications for second units in those subdivisions.

**ISSUE: Neighborhood Quality**

There are certain expectations that people commonly have in terms of neighborhood quality and regarding those factors which contribute to a pleasant and peaceful living environment. Comfortable densities of houses, good schools, low neighborhood noise levels, safe and efficient roads, safe and pleasant community parks and playgrounds, relief from incompatible land uses in the vicinity, and other neighborhood factors are components of the type of neighborhoods and communities which people desire and enjoy.

There is a strong general appreciation in Lassen County for a "rural lifestyle". This term, however, means different things to different people. To some people it may mean living in small towns, commuting to work in relatively light traffic, and enjoying the sights of agricultural fields, rangeland and forests along the highway instead of sprawling housing and commercial developments. To others, a rural lifestyle means the opportunity to live on an affordable piece of property with enough acreage to have horses and farm animals as opposed to living in a city or a suburban residential area. To others, including those ranchers and farmers who are engaged in productive agriculture, it means being able to continue their lifestyle and livelihood without interference from encroaching development which may compete for resources such as groundwater, or which may generate complaints about the "nuisance" of surrounding agricultural operations and livestock. To many people, the rural lifestyle may mean living amidst and enjoying the natural beauty of the County's open spaces and enjoying the wealth and diversity of its wildlife.

With the influx of new residents into Lassen County from the more urbanized areas of the country,

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there is often the growing expectation that urban-type services should be more available to everyone throughout the county. These expectations often do not take into consideration the economy of scale and other budget limitations which rural counties have in trying to provide community services over a large geographic area. County government is continually challenged with expectations and demands that it help protect the quality of neighborhoods and attend to the "quality of life" needs of county residents. The County can not meet everyone's expectations for higher levels of community services. The County will need strive, within its financial and jurisdictional limitations, to provide and encourage community improvements and the types of development which will contribute to the quality of life throughout Lassen County. However, residents and the general public must also work to share this challenge. This will require a continual balancing act between expecting and supporting high-quality development standards and community amenities with an understanding of the financial constraints and limitations which confront developers, service providers, government agencies, and the community as a whole.

**ISSUE: Commercial Uses**

Lassen County has generally supported and encouraged the development of new, and the retention and expansion of existing, commercial uses and facilities. Such development is good for the economic development of Lassen County, including the development of new employment opportunities. Aside from this general endorsement for commercial development, the primary land use issues related to commercial uses are in the areas of general compatibility with surrounding land uses, orderly growth of existing commercial areas, and the need to have adequate infrastructure to serve expanding commercial areas.

The County is sometimes requested to consider the development of commercial establishments which are not within existing commercial areas. Such commercial proposals may be along a highway and are proposed to serve and take advantage of the needs of tourists and the general traveling public. Another frequently considered need or desire in many areas is for neighborhood convenience-type stores. Such development may serve special needs. However, they also have the potential of creating conflicting land use issues and creating a precedent for the leap-frog and sprawl of commercial uses. The 1968 General Plan stated:

The guiding principle in locating commercial enterprises in the County is that they be grouped and not allowed to sprawl along the roadside. Grouping stores and services into activity centers with high standards for physical improvements, landscaping and sign control will not only insure the preservation of the scenic beauty of Lassen's roadsides, but will also reinforce the image of the County as a pleasant place to tour which can increase the volume of trade (Page 21).

As recreation and touring traffic builds up on the highways of Lassen County, there will be

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mounting pressure for commercial uses to serve the motorist at scattered locations throughout the County. The assumption is made in the Plan that these will be successfully accommodated so that automobile oriented commercial uses will be located in existing communities or carefully selected points outside the communities.

When allowed, the County may want to further regulate the design of dispersed commercial sites to further promote the compatibility of such uses and to minimize their visual impact on the surrounding areas, especially within scenic corridors.

**ISSUE: Industrial Uses**

The 1968 General Plan expressed the following statements regarding industrial development (Page 22):

A major goal of the program of industrial development in the County is to diversify the industrial base and lessen the reliance on lumber and livestock. A second principle is that recreation and tourism present the most promising prospects for development and for diversification.

Allocating land for industry and providing good access are not enough to insure that industry will come to Lassen County. ... Factors which influence locational decisions by industry include the amenities offered by the community: the quality of education available, cultural opportunities, the climate and the surrounding environment. The probability of attracting good industrial development will be increased if all levels of community development are maintained at as high a standard as possible.

Lumber related industries will continue to play a role in the County's economic future. The emphasis should be shifted from the primary processing of logs to secondary manufacturing of lumber products insofar as is competitively feasible. The more value that is added to lumber in Lassen County, the more money will be imported and retained.

The 1968 General Plan highlighted Susanville and Westwood as the primary locations for industrial development in the county. This was based on the assumption that those two communities had the existing facilities, power, rail service and highway access, a proportionately large labor force, and are the locations in the county which are most accessible to markets. However, the natural resources which contribute to much of the industrial activity that takes place in Lassen County has caused industrial development to be more or less dispersed around the County. This is especially true in regard to mines, lumber mills, and energy facilities such as biomass power plants.

Since most industrial facilities require the delivery and processing of substantial amounts of raw

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materials, and the processing involves production of wastes and potential pollutants in the form of smoke, waste water, and/or solid waste, many issues regarding the location of industrial facilities relate to environmental impacts and impacts to public facilities such as highways and waste water systems. Other issues may involve the amount of water needed for processing, or noise and light generated from the site. Often, general land use compatibility combined with suspected potential environmental impacts is a major factor in siting industrial facilities, especially when an industrial project is proposed in an area having sensitive land uses such as houses.

It should be noted that land which may be available for development after realignment of the Sierra Army Depot could have a high suitability for industrial land uses due to proximity to natural gas lines, a major rail line, and the metropolitan area of Reno, Nevada. The Amedee Airstrip is also a valuable resource which may be available for private use in the future. Assuming that the Federal government will realign use of the Sierra Army Depot as proposed, the County has proposed that plans for the reuse and conversion of much of these lands and facilities should encourage productive land uses which will generate employment opportunities and facilitate private-sector development, especially for industrial purposes.

**ISSUE: Public Lands**

The total land area in Lassen County is approximately 2,910,080 acres. Of this land area, over 63 percent consists of public lands managed by Federal, state or other governmental agencies. Over 1,025,000 acres are managed by the Bureau of Land Management and approximately 610,000 acres are managed by the U. S. Forest Service (i.e., the Lassen, Modoc, Plumas and Toiyabe National Forests). Other public lands include Lassen Volcanic National Park, the Sierra Army Depot, and lands owned by the State of California, including lands managed primarily for wildlife resources by the California Department of Fish and Game.

Federal and state agencies have various responsibilities for the management of natural resources within their jurisdictions. Some agencies such as the Forest Service and the Bureau of Land Management have fairly broad resource management responsibilities. These responsibilities include management of wildlife habitat, timber, minerals, recreation and other resources. Responsibilities also include permitting and management of recreational and commercial uses of resources within their jurisdiction. BLM and National Forests also have substantial responsibilities to provide for livestock grazing among numerous other multiple uses.

The California State Lands Commission provides general property and resource management of state-owned lands. Some agencies have more specialized resource management responsibilities. The California Department of Fish and Game, for example, is concerned with the management of wildlife and certain botanical resources not only on state-owned lands but on private and Federal lands as well. Deer winter range which may be considered of "critical" importance to a particular

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deer herd may include lands under Federal, state, and private ownership.

As addressed in the Natural Resources Element, the resource policies and management practices of Federal and state agencies can have significant effects on private land and on the welfare of the people who live and work in Lassen County. Timber harvest policies and regulations of the United States Department of Agriculture and the Forest Service impact people who are employed in logging-related occupations. The Department of the Interior, Bureau of Land Management, USDA, and Forest Service have policies regarding rangeland and livestock on public lands under their management which impact people employed in or involved with the livestock industry. California Department of Fish and Game actions and positions in regard to wildlife or rare and endangered plant and animal species must be addressed by the County in consideration of proposed projects on private lands.

There is need to encourage and foster more cooperative and productive working relationships between the County and Federal and state agencies which are also involved in the management of land and resources within the boundaries of Lassen County, as well as in counties and the State of Nevada adjacent to Lassen County. These agencies need to coordinate with Lassen County and with each other. They need to be responsive to the range of social, economic, environmental, and other needs, impacts and ramifications which relate to land use and resource management issues and which affect the economic and social well-being of the people of Lassen County.

In consideration of proposed changes in Federal land use and resource management policies, the County contends that the Federal government and its agencies need to consider and mitigate potential economic, social and cultural impacts to Lassen County's citizens and communities, and help to mitigate associated impacts to related private lands and the tax base of the County.

**ISSUE: Public Services**

The 1990 Census indicated that, of the 7,234 identified housing units in the unincorporated area of Lassen County, a total 4,517 units (62 percent) obtained water by individual wells or by other means other than a public system or private company. A total of 5,118 (70 percent of all housing units) had septic tanks or means of sewage disposal other than a public sewer system.

The 1993 Housing Element found that, although Lassen County has, in terms of quantity of acreage, an adequate amount of land zoned for residential development to meet projected housing needs, the County does not appear to have adequate areas served by the range of community services that would support significant amounts of higher-density residential development. This finding is also true for certain types of commercial or industrial development. For example, the need to have an adequate fire hydrant system and water supply is a factor in the site selection of large commercial buildings.

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Therefore, the development or expansion of community sewer and/or water systems in some of the recognized town centers in Lassen County, or the extension of Susanville's services and possibly annexation, would help facilitate the provision of affordable housing through multi-family housing, as well as the development of new commercial and industrial facilities and the generation of related employment opportunities.

As a community service issue, the quality of education and the ability of schools in the county to keep pace with the growth of the county's population is a very important topic and need.

Recreation facilities present additional community service issues. Because of financial limitations over the years, the County of Lassen has been forced to cut back extensively in the provision and maintenance of parks and recreational facilities. However, it is a well-recognized need and expectation that residential growth needs the provision of a corresponding level of recreational facilities and services. In order to provide, or to facilitate provision of, adequate recreational facilities and services, alternative and perhaps innovative means of funding, developing and maintaining these services must be considered and implemented when warranted. This may include such actions as the formation of new recreation districts, more specific requirements for the provision of recreation facilities by the developers of major projects, and greater cooperation and effort in addressing this issue by the agencies and community organizations involved.

The 1968 General Plan warned that the County will have to make great efforts to undertake the capital investments that will be required in order to maintain high-quality development. It recommended that the County initiate a capital improvement program to provide an orderly scheduling and assignment of priorities for capital investment in public services and facility improvements. Capital improvement plans can evaluate proposed public works with all other needed capital expenditures and balance them with anticipated revenues in order to budget for necessary improvements.

In considering approval of new development, especially residential development, the County will need to continue and, if possible, improve its working relationships with school districts and community service districts to help anticipate and mitigate expanding demands and impacts upon those services.

**ISSUE: Dedications and Development Fees**

In consideration of the need for adequate levels of community services, the County often needs to evaluate when and how to require developers to help mitigate the impacts of their projects on existing levels of community services and infrastructure. Such mitigation measures for individual projects must be balanced with the proportion of each project's relation to larger, cumulative impacts upon certain services. The land use approval process provides opportunities for the County

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to attach requirements for the dedication of land or the payment of fees to mitigate impacts to services. Exactions and dedications can be applied to a variety of community service needs, including streets, parks, sewer systems, drainage, and off-site improvements.

There is, of course, a considerable amount of controversy involving the types and amounts of exactions which jurisdictions can require for the approval of development applications. Legal disputes are frequent in regard to how far a county or city can go in imposing exactions and whether such exactions are reasonable and adequately relevant to the impacts of the development project in question. Questions arise regarding the "takings clause" of the Fifth Amendment of the United States Constitution and the need to protect private property rights from governmental actions which amount to a taking for public use without just compensation. Other issues have addressed the "rough proportionality" of requirements with respect to the extent of public benefit they are proposed to provide.

In any ordinance, regulation or imposed condition of approval requiring the dedication or payment of an impact fee as a condition of land use approval, the County must insure that the requirements are based on the County's police power relating to land use planning, that the requirement substantially furthers a legitimate governmental interest, that the requirement furthers the governmental purpose advanced for regulating it, and that the owner of the involved property is not denied all economically viable use of the land. This includes demonstrating the "nexus" of the requirement, which is the relationship between the need for the exaction and the type of development project on which the exaction is being imposed.

California Government Code Section 66001 sets forth requirements of agencies for the use of establishing, increasing or imposing fees as a condition of approval of a development project, including the issuance of permits for construction. Generally, it stipulates that agencies must: (1) Identify the purpose of the fee; (2) Identify the use to which the fee is to be put; (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and (4) Determine that there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. The fee or exaction shall not exceed the estimated reasonable cost of providing the service or facility for which the exaction or fee is imposed.

The State of California has adopted special provisions regarding school district impact fees, and a number of court cases have addressed the use of related exactions by counties and cities. In 1986, the state legislature adopted the School Facilities Act in an attempt to address the imposition of fees on new construction to mitigate impacts on school districts (Government Code Sections 53080 and 65995). The act placed a cap on the amount of fees which could be required based on the square footage of residential or commercial/industrial development. This act has generally preempted local agencies, including counties and school districts, from imposing additional impact fees or special

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taxes on developers. It prohibits a public agency, acting under California Environmental Quality Act (CEQA) or the Subdivision Map Act, from denying approval of a project based on the adequacy of impacted school facilities.

Since adoption of the School Facilities Act in 1986, appellate court decisions have shown that cities and counties are not bound by the fee limitations of the act and may consider the availability and adequacy of school facilities when making legislative land use decisions such as general plan amendments and zoning changes. Counties may be held accountable under CEQA for failing to examine the impact of certain legislative acts (e.g., general plan amendments) on school facilities and the failure to impose appropriate mitigation measures.

Increasingly, cities and counties are relying upon their general plans to support requirements for exactions and fees and to clarify related requirements set forth in their zoning ordinance, subdivision ordinance, and use permit provisions.

NOTE: Refer also to the Circulation Element regarding dedications and development fees in respect to roads.

**ISSUE: Agricultural Land Uses**

The 1968 Lassen County General Plan contained the following statements regarding agricultural land use (Page 24):

Agriculture represents Lassen County's leading industry in terms of value of production.

In order for grazing to continue as an economic use, land must remain in relatively large units. County zoning and subdivision regulations should protect the grazing lands by not allowing small lot splits and isolated and unproductive subdivisions to occur. Scenic beauty is one of the County's most valuable assets. Because of the way in which the extensive grazing lands are interwoven with other land uses, the type and quality of uses permitted will affect the appearance, the character and the economy of the entire County.

Experience in other parts of California warns that the best agricultural lands in the vicinity of urban communities are often removed from agricultural use to be developed as subdivisions. Since suitable crop land provided with irrigation is relatively scarce in Lassen County while land suitable for urban development is ample, County policy should be directed toward the protection of the most economically desirable crop lands.

From a general land use perspective, agricultural lands have been and increasingly are subject to pressure for conversion to non-agricultural land uses and development. This is especially true in

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the vicinity of communities in cases where the land has agricultural value but is not owned by an active agricultural operation, or has been owned by an active operation but, for a number of reasons, the owners wish to realize a higher immediate value on the property through subdivision and development. It is also generally true for grazing lands which have a limited per-acre property value. These land use conversion pressures are exemplified by the past development trends and recent development issues in the vicinity of Johnstonville and Janesville.

The relative lack of intensity in agricultural productivity and low value per acre suggests to many people, from an economic standpoint alone, that these lands should be regarded as undeveloped, vacant land which can be readily developed. Furthermore, it is a lifestyle choice for many people in rural areas like Lassen County to seek a five- to ten-acre "ranchette" as a homesite; property which is usually created from what was once farming or grazing land.

In some cases, when considered with systematic land use planning, areas which are presently rangeland or of limited agricultural value may offer unique opportunities for conversion to other land uses, including residential or, in special cases, industrial development. Caution needs to be exercised, however, that less apparent but nonetheless significant resource values are not overlooked in a premature conclusion that the land has lost all agricultural value worth protecting and conserving. These values not only include the agricultural value the land may have in the future, but also other resource benefits including related wildlife habitat values.

The County also considers the potential impacts on agricultural lands and operations which may be caused by proposed residential and other urban-type development in and near agricultural areas. The County has been cautious about allowing development which may be incompatible and intrusive on agricultural operations. In some cases, the County considers the need for areas which can serve as "buffers" between agriculture and development. The necessary width of such buffer areas varies with the nature of the agricultural operation and the type of development proposed. For example, a pasture with grazing livestock would not be expected to need as much of a buffer as would a feed lot. Nor would a parking lot for a commercial or industrial site typically need as much buffer area as residential development or sensitive uses like restaurants or hospitals.

The County has received requests and recommendations from representatives of the agricultural community that the County should require buffer areas with a minimum width of 500 feet to protect not only the current agricultural uses from complaints from proposed adjoining development, but also to protect the opportunities of the agricultural land owner to use the land for more intensive agricultural uses in the future. They are concerned that smaller buffer areas which may appear adequate in the beginning may prove inadequate for future agricultural operations which may create more dust, odors, noise, or other effects which the adjoining uses will object to and challenge.

The Agriculture Element should be referred to for a more complete discussion of land use issues

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related to agriculture.

**ISSUE: Open Space Lands**

Policies regarding natural resources and related open space issues in the County's area plans, adopted as part of Lassen County's General Plan since adoption of the Open Space Element, have reflected an increasing concern with open space issues, although not always under the heading of "open space". For example, the following policies for "Agricultural Lands" are found in the *Wendel Area Plan*, adopted in October, 1987:

- 6-A Agricultural land in Lassen County shall be protected for its economic importance, its contribution to the character of the community, and its environmental values. Agricultural lands in the planning area should be designated as either intensive or extensive agriculture; and
- 6-B Parcel sizes shall be retained at sufficient sizes for productive economic agriculture uses.

As another example, the following policy for "Fish and Wildlife" is contained in the *Wendel Area Plan*:

- 10-A Lassen County shall conserve and enhance the wildlife and fisheries of the area. Generally, those areas identified as significant wildlife habitat by the California Department of Fish and Game should be designated for intensive agriculture, open space, or extensive agriculture.

Lassen County's policies for the use of open space for the preservation of natural resources have been closely tied to its policies for the managed production of resources. In the 1968 General Plan, extensive areas of the County were designated as either General Forest Environment; Grazing and Sagebrush Environment; or Crop Land and Prime Grazing Land.

Government Code Section 65560 describes "open space land" as being any parcel or area of land or water which is essentially unimproved and devoted to an open-space use, and which is designated on a local, regional or state open-space plan. The categories of open space are generally:

- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species, rivers, streams, lakeshores, watershed lands, etc.
- (2) Open space used for the managed production of resources, including but not limited to,

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forest lands, rangeland, agricultural lands, areas required for recharge of ground water basins, and areas containing major mineral deposits, etc.

(3) Open space for outdoor recreation, including but not limited to: areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes; recreational trails, etc.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, flood plains, areas presenting high fire risks, and areas required for the protection of water quality, etc.

The Lassen County General Plan Open Space Element sets forth the policies of Lassen County pertaining to open space lands and other lands having open space resources, character and values.

It is important to note a distinction that the County of Lassen makes in respect to the term "open space" as used in this Element. Lassen County contains an extensive amount of private and public lands which are substantially undeveloped and which are rich with a variety of natural resources. Many areas are used for rangeland, timber, agriculture and a number of natural resource production uses. These lands have many important open space values and resources. However, these areas are not considered by the County to be strictly "open space" in classification since that term has been interpreted by some to be synonymous with "wilderness" and by others as implying that open space lands should not have any use other than to retain their "natural" ecosystem values.

Although the County recognizes and appreciates the need to manage natural resources and to protect ecosystems from damage, and is dedicated to addressing those needs within the context of the many social and economic needs which the County must address on behalf of its citizens, the County contends that many resource issues are too complex and entwined with those social and economic needs and issues to support a general, simplistic "open space" designation.

In recognizing and considering the open space character and values of many areas, the County is not implying or supporting the contention that limited development (including the issuance of individual building permits), and resource production and management practices (including agriculture, livestock grazing, and timber management) which may be allowed by the County subject to the adopted zoning of those areas and the lawful exercise of the County's land use authority, are necessarily contrary to the concept of open space as used in this Element.

The Lassen County General Plan Open Space Element should be referred to for a more-complete discussion of open space issues.

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**ISSUES: Timber Production Areas**

Lassen County's private timberlands have been a source of tax revenue and employment for the men and women of the area for over 100 years. At one time, Lassen County was the most important lumber producing county in the northeastern part of California.

It was a recognized assumption in Lassen County's 1968 General Plan that the lumber industry would continue in a limited form based on sustained yield from public timberlands, although declining from its current [1968] level. Although the Plan identified that a major goal of the program of industrial development in the County was to diversify the industrial base and lessen the reliance on lumber and livestock, it was recognized that lumber related industries would continue to play a strong role in the County's economic future.

One of the predominant land use designations on the Land Use Map contained in the 1968 General Plan was the "General Forest Environment". This area comprised most of the west half of the County and was recognized as the area best suited to lumber production and watershed. It was also recognized in the Plan that lumber production on large private holdings and public lands such as the Lassen National Forest would continue as a major activity.

Since the adoption of the General Plan in 1968, Lassen County has been called upon to take a number of actions to define its timber resource policies and affirm its support for the local timber industry. This has included resolutions by the Lassen County Board of Supervisors asserting its position on Federal timber management issues in Lassen County, and to express its concern for the significance of these issues on the economic and social well-being of the county:

One of the most significant timber resource measures to involve and affect Lassen County was brought about by the State's adoption of the Timber Yield Tax Law (AB 1258, Forest Taxation Reform Act of 1976). This bill, adopted in May, 1976, changed the system of property taxation for timber and timberland in California. Generally, the law exempted timber from taxation until it is cut, and restricted the use of timberlands to the growing and harvesting of timber, along with certain compatible uses. To implement the law, the law directed that counties establish a Timberland Preserve Zoning District (TPZ), now regarded as "Timber Production Zones", and adopt a list of compatible uses to be incorporated into a final TPZ ordinance.

Timberland issues are addressed further in the Natural Resources Element, including references to land designated for timberland production.

**ISSUE: Flood Hazard Areas**

To aid implementation of the National Flood Insurance Act of 1968 and the Flood Disaster

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Protection Act of 1973, a Flood Insurance Study for Lassen County was prepared under the administration of the Federal Emergency Management Agency (FEMA), dated September 4, 1987. This study investigated the existence and severity of flood hazards in Lassen County, and offered flood risk data used to establish actuarial flood insurance rates and assist the community in its efforts to promote sound floodplain management. (NOTE: Unless otherwise indicated, the following information is extracted from the Flood Insurance Study.)

The Flood Insurance Rate Maps (FIRM's) for Lassen County were adopted by FEMA with an effective date of September 4, 1987. These maps indicate "Zone A" within the approximated boundaries of areas having at least a one percent annual chance of flooding, also known as 100-year floodplain boundaries. Areas in Zone A are designated as "special flood hazard areas".

Flood hazard areas are also identified in most area plans adopted by Lassen County as were indicated in the FIRMs at the time of adoption of each plan.

Because detailed hydraulic analyses are not performed in the approximated flood hazard areas indicated on the FIRM's, no base flood elevations or depths are shown within this zone. Furthermore, small areas within the floodplain boundaries may lie above the actual flood elevations but cannot be shown due to limitations of the map scale and/or the lack of detailed topographic data. It should also be noted that these "floodplains" not only include areas along streams which are prone to flooding, but also low areas, drainage basins, and playas which are inundated on a regular, if not annual, basis.

Lassen County is a participating county in the National Flood Insurance Program. The County entered into the program in June 1986 after its floodplain management ordinance (Lassen County Ordinance No. 480) was found to be compliant with the program by FEMA for the "Emergency Phase" of the program. This ordinance was revised in August 1987 through Lassen County's Flood Damage Prevention Ordinance No. 480-A to enact additional floodplain management regulations necessary to maintain eligibility for participation in the program.

The Department of Community Development reviews building permit applications and subdivision proposals regarding the possible location of proposed structures in special flood hazard areas as indicated on the FIRMs.

Chapter 18.88 of the Lassen County Code establishes a "Floodplain Combining District". This "F" combining district is intended to be applied to areas where inundation is caused by periodic overflow and backwater, and where such high water may cause substantial structural damage, erosion and/or collapse of stream embankments. The "F" District places additional land use restrictions on identified flood hazard areas. For example, residential, commercial or industrial buildings, including mobile homes, as well as many other uses as may otherwise be allowed by the

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primary zoning district with which the "F" combining district is used, require a use permit. The provisions of Chapter 12.26 would also apply.

**ISSUE: Wildlife Habitat**

The 1968 General Plan recognized the following as one of the County's foremost goals:

Protection and appropriate use of the County's wildlife, natural beauty and wilderness character.

In regard to implementation of the Plan's recommendations, the Plan referenced zoning protection as the primary means to help prevent wasteful, scattered land developments which threaten wildlife habitat and resources throughout the County.

Wildlife as a natural resource has been addressed in all of the County's area plans. Related goals and policies have been adopted and are in effect.

As discussed in the Wildlife Element of the revised General Plan, and in the identification of some of the policies that have been adopted by Lassen County over the last several years through its area plan process, the County has faced and continues to be challenged by a variety of development issues related to protecting and enhancing its wildlife resources.

For example, bitterbrush stands are recognized as providing important wildlife habitat. The Department of Fish and Game (DFG) recognizes bitterbrush stands of particular value as critical winter habitat for deer including, for example, stands in areas along Highway 395 between Johnstonville and Doyle. DFG has warned that cumulative impacts to these stands and to critical deer winter habitat need to be reevaluated and planned for in a comprehensive manner. Recent projections by DFG indicate that roughly 50 percent of the acreage of "columnar", or Lassen, bitterbrush has been lost in the past 50 years. Of an estimated acreage of 30,621 acres in 1942, it was estimated that almost 28 percent (a combined total of 8,500 acres) was lost from development and conversion of habitat for agriculture alone (DFG correspondence, March 1, 1994). Other major losses to this habitat type have resulted from wildfires and from the decadence of old stands. Because of the extent of this resource on private land, land use planning and protection by Lassen County will, according to DFG, play a crucial role in the fate of this resource in the future.

In some areas of Lassen County, especially in connection with the preparation of area plans by the County, the California DFG has developed and mapped a general scale rating system for wildlife habitat sensitivity. A rating of "10" on the scale denotes areas of highest habitat value and importance. A low rating (e.g., "1") denotes areas of relatively low wildlife habitat value and sensitivity. Maps indicating areas rated by the DFG are included in many of the master

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environmental assessments which have been developed by the Lassen County Department of Community Development in the process of preparing area plans.

Wildlife areas of special concern which typically receive a high rating are those areas which are used by deer herds as wintering range and foraging areas. Migration routes used by deer herds to access forage areas are also of special concern. Without either the foraging areas or migration routes, the deer population could be drastically affected and reduced.

Antelope kidding grounds and wintering feeding areas are typically recognized and rated as areas of special concern. Kidding grounds are areas where the antelope give birth to and initially raise their young. Reducing the size of the kidding ground or the wintering range by intrusion of development, free-roaming dogs, etc., will adversely affect the health of an antelope herd.

Riparian areas, waterfowl habitat, and special breeding and nesting areas of sensitive species (e.g., sage grouse leks, golden eagle nests) also receive high habitat value ratings.

The DFG habitat rating system has not been generally applied to areas of the County outside of recognized "planning areas". It does, however, offer a system which can be used to flag potential impacts on sensitive and sometimes critical wildlife resources, and to determine the types of mitigation measures which may be necessary if development is determined to be acceptable and compatible with the need to protect these resource areas.

Lassen County is concerned that, in regard to endangered or threatened species, resource management decisions and practices, including those for lands managed by Federal agencies, must take into consideration multiple land use needs and impacts and not be limited to single-issue concerns. There is need for a cooperative system of interagency policies to identify and obtain agreement on habitat protection objectives and resource management practices that can meet wildlife conservation objectives, including the protection of endangered species, while providing for productive levels of human use and resource development.

The General Plan Wildlife Element provides additional discussion and policies relating to wildlife issues.

**ISSUE: Sierra Army Depot**

The Sierra Army Depot has been a major institution and employment center in Lassen County since it was founded in 1942. The primary mission of the depot is to receive, store, issue and renovate munitions, and to "demilitarize" (destroy) surplus ammunition. It also provides storage and maintenance of certain operational stocks and tactical support systems, as well as specialized training.

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The depot has been a large facility and operation, reporting in 1995 that it had over 1,250 buildings, including 2.3 million square feet of warehouses and other covered storage space, and 36,000 acres for "open controlled storage". The Army also reported that it had: 165 units of military housing, plus additional housing for 12 officers and 386 unaccompanied enlisted personnel; support services including medical and dental facilities and schools for kindergarten through grade twelve; and recreation and other support facilities including a library, bowling alley, theater, credit union, baseball fields and a gym. The depot also includes the Amedee Army Airfield which, with a 7,168 foot runway, offers what may be the largest aircraft capability of any Army storage depot in the western United States .

The depot has been the County's largest single employer. Employment and economic analysis in 1995 by the County found that 900 of the County's total civilian employment of 9,500 were employed at the depot (9.5 percent), plus an additional 400 military personnel. The annual payroll at the depot was estimated to be over \$36 million.

In 1994, the future of the Sierra Army Depot began to be seriously questioned as the Federal government continued to downsize its military forces and facilities. A "Base Realignment and Closure (BRAC) Process" was underway to review the need and fate of military bases across the country. Local officials and state representatives responded with appeals and the submittal of information to demonstrate that the Sierra Army Depot is a unique and valuable military resource for the nation, as well as a critical element of the local area's economy. The "Committee to Retain the Sierra Army Depot" was formed jointly by the County, the City of Susanville, and the Lassen County Chamber of Commerce to help coordinate this effort.

Realignment or a significant downsizing of operations at the Sierra Army Depot in the future will not only pose severe consequences to the local economy, it will present a number of significant challenges to determine appropriate transitions in land uses at the depot and in the surrounding area. The County has been involved in the development of a reuse program for the base. A "Local Reuse Authority" has been formed to develop a plan which will encourage and facilitate positive economic development activity to compensate for the loss of the military mission in Herlong. It is expected that the final reuse plan will necessitate additional corresponding general plan land use designations for the affected area.

**ISSUE: Solid Waste Facilities**

In 1996, there were 11 permitted solid waste facilities in Lassen County, according to the proposed Siting Element of the Integrated Waste Management Plan (IWMP). These consisted of six solid waste landfills and five transfer stations. Although serving the incorporated City of Susanville (including the California Correctional Center) as well as the county in general, all facilities were located in the unincorporated area of the county. The six permitted landfill facilities were: Bass Hill

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Landfill (serving the areas of Susanville, Litchfield, Janesville, and Standish), located eight miles south of Susanville on Highway 395; Herlong Disposal Facility (serving Herlong, Milford, and Doyle), located .5 miles south of Herlong on County Road A-26; Sierra Army Depot Landfill, located one mile north of Herlong; Westwood Disposal Facility, located one mile west of Westwood on Highway 36; Madeline Disposal Facility (serving Madeline), located one mile east of Madeline on County Road 510; and Ravendale Disposal Facility (serving the areas of Ravendale and Termo), located .5 miles south of Ravendale on County Road 539.

The five transfer stations were located in Bieber, Little Valley, Spaulding and Stones at Eagle Lake, and Wendel. Solid waste was transferred to the Bass Hill Landfill for disposal. According to the proposed Siting Element of the IWMP, the Madeline, Ravendale, and Herlong landfill facilities were proposed to be closed and replaced with small volume transfer stations.

The Bureau of Land Management (BLM) has noted that six of the County's solid waste facilities are located on lands administered by BLM under Recreation and Public Purposes leases. BLM would like the County to convert the leases to patented or deeded lands. BLM would like to proceed on the patenting process for Madeline, Stone's Transfer Station, Herlong and Bass Hill. The Bass Hill site is of special concern to BLM due to proposals to develop a centralized materials recovery facility. The Secretary of the Interior has directed each BLM office to work with existing landfill lease holders to get these sites patented.

The Siting Element of Lassen County's IWMP has been prepared in accordance with, and as required by, the California Public Resources Code. Each county is required to prepare a county-wide siting element which provides a description of the areas to be used for development of adequate transformation or disposal capacity concurrent and consistent with the development and implementation of the county and city source reduction and recycling elements of the IWMP. The Siting Element is intended to address four principal issues related to waste management: 1) Identify solid waste disposal goals and objectives for the county; 2) Quantify the remaining permitted disposal capacity in the county; 3) Identify minimum siting criteria from Federal and state sources and introduce discretionary siting criteria to be considered for any proposed future disposal facility in the county; and 4) Identify programs for the County to obtain and maintain long-term disposal capacity.

Based on the City of Susanville's and the County's Source Reduction and Recycling Elements of the IWMP, the two jurisdictions generated approximately 29,100 tons of solid waste (including ash) in 1990, of which 23,400 tons required disposal. Waste projections indicate that approximately 40,000 tons of waste will be generated by the year 2000 with about 19,700 tons requiring disposal if waste diversion goals are met. Further projections of the plan conclude that the county's disposal capacity will expire around the year 2006 and calculates that an additional disposal capacity of 88,700 tons will be needed to meet 15-year minimum capacity requirements.

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A primary strategy for disposal of waste from Lassen County is based on the development of a centralized materials recovery facility (MRF) and transfer station at the Bass Hill landfill site and "export" of waste to out-of-county disposal facilities. To address the need for additional disposal capacity, Lassen County entered into an agreement with Refuse Inc., operator of the Lockwood landfill in Nevada, for the long-term disposal of nonrecoverable solid waste. The Siting Element of the IWMP states that, should all other options of the County's disposal program be unable to provide assurance of a minimum of 15 years disposal capacity, the County will plan for the identification of a new or expanded (i.e., Bass Hill Landfill) disposal site.

From a land use perspective, solid waste management requires disposal facilities (i.e., landfills) and non-disposal facilities (including transfer and processing stations, composting facilities, transformation facilities, etc.). The Siting Element is required to identify areas for the location of new solid waste facilities or the expansion of existing facilities which are consistent with the applicable general plan if the county determines that existing capacity will be exhausted within 15 years or that additional capacity is desired.

Pursuant to Public Resources Code Section 41702, an area for a solid waste facility is considered consistent with the city or county general plan if, 1) the area reserved for a new solid waste facility or the expansion of an existing solid waste facility is located in, or coextensive with, a land use area designated or authorized for solid waste facilities in the applicable general plan and, 2) the land use authorized in the plan adjacent to or near the area reserved for the establishment of new solid waste transformation or disposal of solid waste or expansion of existing facilities is compatible with the establishment or expansion of the solid waste facility.

Section 3 of the Siting Element of the IWMP includes a description of siting criteria for certain solid waste disposal facilities and an overview of how these criteria should be applied to identify locations for new or expanded solid waste facilities. The siting criteria includes "exclusionary criteria" and "discretionary criteria". Exclusionary criteria addresses areas which are least suited for development of disposal facilities and which should be excluded from consideration.

Discretionary criteria are used to identify, measure, and rank the relative preference of candidate sites and results in a scoring of a set of proposed sites from most to least preferred. Sources used to develop the discretionary criteria include the Lassen County General Plan, the previous Lassen County Solid Waste Management Plan, and general planning and engineering principles. The criteria are organized under the regulatory headings of environmental considerations, environmental impacts, socioeconomic impacts, and legal issues.

The Siting Element states that the discretionary criteria list which it includes is only introductory and is intended to be used as a guideline. The criteria is intended to be revisited, expanded or otherwise amended over time as related circumstances change and at such time that the County

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determines that a new or expanded facility siting effort is needed and desired.

Although the 1996 Siting Element did not propose the siting of any new or expanded disposal facilities at that time, it contained a general site evaluation and selection process for implementation by the County should such facilities be needed in the future. The process involves public participation, application of the exclusionary and discretionary criteria, selection of preferred alternative sites, review pursuant to the California Environmental Quality Act, and the satisfaction of land use and solid waste facility permitting requirements.