



# **ZONING VARIANCE PROCESS**

DEPARTMENT OF PLANNING AND BUILDING SERVICES  
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The following information is intended to provide a generalized description of the Zoning Variance process in Lassen County.

A variance from practical difficulties and/or unnecessary hardships including height, yard, or area requirements, or other provisions of the Lassen County Zoning Regulations may be granted by the Board of Supervisors.

## **APPLICATION**

An application for a variance is to be made by completing a form available from the Planning and Building Services accompanied by a filing fee of one thousand three hundred fifty (\$1,350.00) dollars. The application must be accompanied by drawings and other evidence showing that the proposed project meets the following qualifications:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.
2. That the granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the petitioner.
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

A complete and accurate set of application materials is of utmost importance for timely processing. A clear and detailed plot plan is essential. Applicants should consider supplementing their application with color photographs, or any other materials that would assist reviewers in gaining a better understanding of the project.

## **ENVIRONMENTAL REVIEW - PROCEDURE**

In Lassen County, the Director of Planning and Building Services has been designated as the Environmental Review Officer (ERO) as per Lassen County Resolution No. 01-043. In general, the duties of the ERO are to coordinate the environmental review procedures, prepare Initial Studies, recommend environmental findings to the Lead Agency (the Planning Commission or, ultimately, the Board of Supervisors), prepare all applicable environmental documents, conduct public meetings, and keep the County's environmental review guidelines in continual compliance with CEQA.

The ERO conducts a preliminary review of all project applications to determine, within thirty (30) days, whether the application is complete and/or whether the proposed project is exempt from CEQA. Once the application has been accepted as complete, and not found to be exempt from CEQA, an Initial Study is prepared. Based on a review of the Initial Study results, the ERO will make a determination as to the appropriate kind of environmental document that will be prepared for the particular project of concern, or decide to refer said determination to the Planning Commission.

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Basically, the ERO will make one of the four following findings:

- A. That the project could not have a significant effect on the environment, and a Negative Declaration should be prepared; or
- B. That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Initial Study have been added to the project. Therefore, a Negative Declaration should be prepared; or
- C. That the project may have a significant effect on the environment and an Environmental Impact Report (EIR) should be required; or
- D. The ERO may choose not to make one of the above three decisions if further information from review and consultation with responsible agencies is deemed necessary, and proceed to refer the decision to the Planning Commission, or the Board of Supervisors, as applicable. Said Commission or Board will then make one of the above three decisions regarding the appropriate environmental document that should be prepared.

The determination as to the kind of environmental document that should be prepared for a given project proposal, an EIR or a Negative Declaration, will be made within thirty (30) days of accepting the application as complete. The thirty (30) day time period may be extended fifteen (15) days upon mutual consent of the project applicant and the applicable County office acting in behalf of the Lead Agency. A final Negative Declaration will be adopted within 180 days after the application has been accepted as complete. The Lead Agency will certify a final EIR within one year after the application has been accepted as complete. A more detailed explanation of the process involved in the preparation of these documents is available in another informational handout entitled Lassen County Environmental Review Guidelines - Resolution No. 01-043.

### **THE PLANNING COMMISSION**

A public hearing is conducted by the Lassen County Planning Commission after the filing of the application. The Commission must make written findings of fact showing whether the above qualifications apply to the land, building or use for which the variance is sought and whether such variances, if granted, would be in harmony with the general purposes of Lassen County's Zoning Regulations. These findings and the recommendation of the Planning Commission are submitted to the Board of Supervisors.

### **THE BOARD OF SUPERVISORS**

The Board of Supervisors considers the variance application following receipt of the Planning Commission report and recommendation at a public hearing. If the Board finds that the above qualifications apply to the land, building, or use for variance is sought and that such variance is in harmony with the general purposes of Lassen County's Zoning Regulations, they shall by resolution grant the variance with any appropriate conditions.

If your project is approved by the County, a Notice of Determination (NOD) will be filed with the County Clerk by the Planning and Building Services Department. The NOD starts a 30-day statute of limitations on any legal challenge to the project's environmental document. Prior to filing the NOD, Section 711.4 of the California Fish and Game Code requires that the County collect an environmental filing fee on behalf of the Department of Fish and Wildlife. The fee varies according to the environmental document prepared for your project as indicated in the table below.

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## DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL FILING FEES (Fish and Game Code 711.4)

<u>CEQA DOCUMENT</u>	<u>FEE (effective January 1, 2020)</u>
Negative Declaration	\$2,406.75
Mitigated Negative Declaration	\$2,406.75
Environmental Impact Report	\$3,343.25
County Clerk Processing Fee	\$ 50.00

If you believe your project will have *no effect* on fish and wildlife, you may contact the California Department of Fish and Wildlife to discuss an exemption from the fees. For more information about the fees and possible exemption you should contact the Department of Fish and Wildlife directly at (530) 225-2300 or at the DFW Website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov).

IMPORTANT NOTE: Even if your project is approved by the County, the project is not operative, vested, or final, and any local permits issued for the project are invalid if the fees are not paid.

### REVOCATION

Where conditions of a granted variance have not been complied with, the Planning Commission shall give notice to the permittee of intention to revoke the variance at least ten (10) days prior to a hearing thereon. After the hearing the Commission may revoke the variance with confirmation by the Board of Supervisors.

### EXPIRATION

If a variance is not used within one (1) year after the date of granting, the variance will become null and void without further action by the Planning Commission or the Board of Supervisors.

Please feel free to contact the Department of Planning and Building Services for any additional information.