



USE PERMIT PROCESS

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 • Susanville, CA 96130-3912

(530) 251-8269 • (530) 251-8373 (fax)

www.co.lassen.ca.us

The following information is intended to provide a generalized description of the Use Permit process in Lassen County.

APPLICATION

In accordance with the California Environmental Quality Act (CEQA), most Use Permit applications considered by Lassen County must first undergo an established environmental review procedure. The first step in the environmental review procedure is the Initial Study. An Initial Study Application is made by the completion and submittal to the Lassen County Planning and Building Services Department of an Initial Study (Appendix A) a Use Permit Application, a plot plan of the proposed project, and any additional information requested by the Department of Planning and Building Services for a complete and acceptable application. Filing fees are as follows: \$2,000.00 for Initial Study Review, plus a separate fee of \$75.00, made payable to the CSU Chico Research Foundation, for an archaeological records search (NOTE: Additional project review fees may be required by the California Archaeological Inventory Center). Class I \$742.00, applies to Use Permits for signs and single-family residences; Class II \$1,350.00, applies to Use Permits not categorized as Class I or Class III; Class III \$1,350.00, applies to Use Permits for proposed production projects to generate electrical power for private or public utility uses, as well as exploratory and production wells, or otherwise to supply an energy resource by any means for sale or use other than use strictly by the applicant; transmission facilities including power lines and pipelines; projects in which a major component of the operation is the handling or disposal of solid or hazardous wastes, or the handling of hazardous or toxic materials; cannabis dispensary and testing pursuant to section 18.108.045 and 18.108.046.

All fees are for the processing of applications and are non-refundable after processing has commenced. It should be noted that some Use Permit applications (for example, signs that are within the limitations of the existing zoning district and sign regulations of the Lassen County Code, Title 18) are exempt from the environmental review requirements of CEQA. If a preliminary review of a project proposal by the Department of Planning and Building Services reveals that an exemption to CEQA does apply, then the fee for the Initial Study Application can be waived and/or returned to the applicant. However, if it is determined that the project is exempt from environmental review, and your project is ultimately approved, a \$200.00 fee for filing the Notice of Exemption with the County Clerk's Office will be required.

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

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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. 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.

TAC

Use Permit Applications are reviewed by the Technical Advisory Committee (TAC), which is composed of representatives of the following offices: County Assessor, County Engineer, County Sanitarian, Planning Director, County Road Commissioner, and the County Fire Warden. The TAC makes a recommendation to the Planning Commission regarding possible modifications to the project and/or conditions to approval, should the Planning Commission consider approval of the subject project.

THE PLANNING COMMISSION

After the TAC meeting, and the completion of the appropriate environmental document, the Planning Commission will consider the Use Permit Application at a public hearing. The project applicant, surrounding property owners, and affected governmental agencies will be notified of the upcoming public hearing and invited to submit any comments regarding the project to the Planning Commission and/or to attend the meeting. The Planning Commission may approve, conditionally approve, or deny the Use Permit Application. Approved, or conditionally approved, applications may be revocable, non-transferable, and/or temporary.

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.

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

<u>CEQA DOCUMENT</u>	<u>FEE (effective January 1, 2021)</u>
Negative Declaration	\$2,480.25
Mitigated Negative Declaration	\$2,480.25
Environmental Impact Report	\$3,445.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)	\$1,171.25
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.

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.

APPEALS

Following the action taken by the Planning Commission at the public hearing, there is a ten (10) day appeal period during which any person may appeal decisions of the Planning Commission. Appeals may address approval or denial, and/or any conditions to approval. Any appeals must be made in writing to the Lassen County Board of Supervisors through the County Clerk's Office. Appeals of Planning Commission decisions are heard by the Board of Supervisors. Decisions of the Board of Supervisors are final. There is a \$500.00 fee for all appeals.

FINALIZATION OF THE USE PERMIT PROCESS

If a Use Permit is approved and no appeals are filed within the ten (10) day appeal period following the approval, the project applicant will be issued an official Use Permit. The official Use Permit will identify the use that has been approved and any applicable conditions to said approval.

In the case that the Use Permit Application has been denied, the applicant will receive a letter informing them of the denial and the findings leading thereto. If a Use Permit is not used within one year after approval, that is, if the specific use for which the Use Permit was issued is not effectuated within one year from the issuance of the official Use Permit, then the Use Permit will be considered null and void. If necessary, the permittee may submit a letter to the Planning Commission prior to the expiration date requesting an extension of the one-year expiration time. Extensions may be granted for up to one year, and a maximum of two extensions of time may be allowed. Extension requests are considered at the next regularly scheduled Planning Commission meeting. There is a \$238.00 fee for all extension requests. In the case that the conditions of a Use Permit are not met, or if the use becomes something other than the use as approved under the subject Use Permit, the Planning Commission will take action to revoke the permit and terminate the use.

AUTHORIZATION TO OPERATE

On the effective date of an approved use permit, the permittee may proceed with development of the use subject to the conditions of approval, but shall not be authorized to operate the use until a \$200.00 fee has been paid and a written Authorization to Operate has been issued by the Department of Planning and Building Services. An Authorization to Operate will be issued when the permittee has demonstrated compliance with conditions of approval, and has submitted to the Department of Planning and Building Services a written request for Authorization to Operate (§18.112.080 Lassen County Zoning Ordinance).

The Department of Planning and Building Services staff would be happy to help you through the Use Permit

process, and refer you to other public agencies that may be involved in your particular project. For further information regarding the Use Permit Process, contact the Lassen County Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130. Phone (530) 251-8269.