



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 Department of Planning and Building Services of an Initial Study Application, a Use Permit application, a plot plan of the proposed project, and any additional information determined necessary by the Department of Planning and Building Services for a complete and acceptable application. Filing fees are as follows: A \$3,085.00 fee is collected 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). The Class I Use Permit fee of \$1,250.00 applies to Use Permits exempt from the CEQA process. The Class II fee of \$2,255.00 applies to Use Permits that require a Negative Declaration or a Mitigated Negative Declaration. The Class III fee of \$2,255.00 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; and cannabis dispensaries and testing pursuant to sections 18.108.045 and 18.108.046 of the Lassen County Code (Environmental Impact Report).

All fees are for the processing of applications and may be non-refundable, depending on the stage of processing. 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 the proposed project is determined by the Department of Planning and Building Services to be exempt from CEQA, the Initial Study application will be returned to the applicant with the associated fees. However, if the project is ultimately approved, a \$700.00 fee for filing the Notice of Exemption with the County Clerk's Office may be required.

A complete and accurate set of application materials, including a clear and detailed plot plan, is of utmost importance for timely processing. 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), per the Lassen County Environmental Review Guidelines (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 if it is not found to be exempt from CEQA, the ERO will prepare a more detailed environmental impact assessment (the Initial Study) in an effort to disclose all potential environmental

impacts associated with the proposed project. The ERO may then make one of the following determinations: (1) That the proposed project would not have a significant effect on the environment and that a Negative Declaration should be prepared; (2) That, with the incorporation of identified mitigation measures, the proposed project would not have a significant effect on the environment and a Mitigated Negative Declaration should be prepared; or (3) That the project may have a significant effect on the environment and that an Environmental Impact Report (EIR) should be prepared. Alternatively, the ERO may choose to refer the applications to the Planning Commission to determine which type of environmental document should be prepared. If the Initial Study application is referred to the Planning Commission for determination, surrounding property owners and affected agencies will be notified and invited to submit comments they may have regarding potential environmental impacts resulting from the proposed project. A more detailed explanation of this process can be found in Lassen County Resolution No. 01-043.

REVIEW BY THE DIRECTOR OF PLANNING AND BUILDING SERVICES

The Director of Planning and Building Services, or designated representative, in consultation with other County departments, shall review the proposed use for conformity to the General Plan, specific plans, Zoning Ordinance, etc. of the County and report his or her findings, together with recommendations for approval, conditional approval, or denial, to the Planning Commission.

THE PLANNING COMMISSION

After review by the Director of Planning and Building Services, and after 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 attend the meeting and submit comment regarding the project. 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 subject to CEQA and is approved by the County, a Notice of Determination (NOD) will be filed with the County Clerk by the Department of Planning and Building Services. 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.

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

<u>CEQA DOCUMENT</u>	<u>FEE (effective January 1, 2024)</u>
Negative Declaration	\$2,916.75
Mitigated Negative Declaration	\$2,916.75
Environmental Impact Report	\$4051.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)	\$1,377.25
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 CDFW Website at www.wildlife.ca.gov.

IMPORTANT NOTE: Pursuant to Fish and Game Code Section 711.4(c)(3), 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 applicable environmental filing 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 of approval. Appeals of Planning Commission decisions are heard by the Board of Supervisors. Any appeals must be made in writing, addressed to the Lassen County Board of Supervisors, and submitted to the County Clerk's Office with the filing fee of \$500.00.

APPROVAL OF THE USE PERMIT

If a Use Permit is approved and no appeals are filed within the ten (10) day appeal period, the project applicant will be provided the adopting Resolution. The adopting Resolution will identify the use that has been approved and any applicable conditions of approval. If the Use Permit application has been denied, the applicant will receive a letter informing them of the denial, the findings leading thereto, and the process to file an appeal.

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 may be abandoned. 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 such extensions 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.

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 written Authorization to Operate has been issued by the Department of Planning and Building Services. Pursuant to Lassen County Code Section 18.112.080, an Authorization to Operate will be issued when the permittee has submitted a written request on the approved form to the Department of Planning and Building Services, along with evidence of compliance with all applicable conditions of approval and the \$300.00 fee. If 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 may revoke the permit and terminate the use.

Planning Division staff would be happy to help you through the Use Permit process and refer you to other departments or public agencies that may be involved in your particular project. Please feel free to contact the Department of Planning and Building Services at (530) 251-8269, landuse@co.lassen.ca.us, or 707 Nevada Street, Suite 5, if you have any questions regarding the Use Permit process.