

TABLE OF CONTENTS

BOARD OF SUPERVISORS' MEETING November 14, 2023

A proposed ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate

Board Letter	01
Draft Ordinance Amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code	03
Approved Minute Excerpts from the September 5, 2023 Lassen County Planning Commission	08
Approved Minute Excerpts from the October 3, 2023 Lassen County Planning Commission	09
Packet from the October 3, 2023 Lassen County Planning Commission	10



County of Lassen
Department of Planning and Building Services

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

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Main Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

November 3, 2023

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Board of Supervisors
Agenda Date: November 14, 2023

FROM: Maurice L. Anderson, Director 

SUBJECT: A proposed ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate.

ACTION REQUESTED:

1. Receive report from staff and recommendation of approval from the Planning Commission; and
2. Conduct a public hearing; and
3. Introduce and adopt, by title only, the proposed ordinance.

Summary:

The Planning Commission conducted a public hearing on October 3, 2023, and made a recommendation that the Board of Supervisors adopt the attached ordinance (please see the attached Planning Commission minute excerpts from the September 5, 2023, and October 3, 2023 meetings). More information regarding the proposed ordinance can be found in the Planning Commissions October 3, 2023, packet (attached).

MLA:gfn

Enclosures: Proposed ordinance
Planning Commission October 3, 2023, minute excerpts
Planning Commission September 5, 2023, minute excerpts
Planning Commission October 3, 2023, packet

x/pla/admin/files/300/18/68/BOS 11.14.23/"Board staff report"

ORDINANCE NO. _____

Ordinance Amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code.

The following ordinance, consisting of eight sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN

ORDAINS AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Section 18.112.040 (Public hearings) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.040 Public hearings

Public hearings shall be held by the Planning Commission and/or the Board of Supervisors as provided in Section 65091 of the California Government Code.

SECTION THREE: Section 18.112.045 (Notice of planning commission action) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.045 Notice of planning commission action — Use permit effective date

- (a) Upon action by the planning commission to approve, conditionally approve or deny a use permit application, the secretary of the commission shall, within ten days, provide the applicant with notice of the commission's action. If the permit has been conditionally approved, the notice shall specify conditions of approval which must be complied with prior to issuance of an Authorization to Operate and those conditions pertaining to the operation of the use.
- (b) A use permit is effective ten days from the Planning Commission's action, if no appeal is filed, or, if an appeal is filed, the use permit shall be effective on the date of the Board of Supervisor's approval of the use permit. Once the use permit is effective, the applicant can begin working toward compliance with the preoperational conditions of approval, However, a use permit cannot be operated until an Authorization to Operate is issued in accordance with Section 18.112.080.

SECTION FOUR: Section 18.112.060 (Revocation) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.060 Revocation

- (a) In any case, where the conditions of approval for a use permit have not been, or are not being, complied with, the Planning Director shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. The Planning Commission shall conduct a public hearing in accordance with Section 18.112.040. At the conclusion of the public hearing the Planning Commission may revoke such permit.
- (b) Any decision by the Planning Commission (whether that be a decision to revoke the subject use permit or a decision to not revoke the use permit) is appealable in accordance with Section 18.112.050.
- (c) Once the revocation becomes final, the Planning Director shall record a notice of the revocation in the Office of the Lassen County Recorder at no cost.

SECTION FIVE: Section 18.112.065 (Abandonment) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.065 Abandonment

- (a) In any case, where a use permit has not met pre-operational conditions and been used legally, or extended under Section 18.112.070, within one year after the effective date of approval, or where it appears a permittee has abandoned the process of obtaining an Authorization to Operate, said permit shall be deemed abandoned and the use permit granted shall become null and void.
- (b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or more, said permit shall be deemed abandoned and the use permit granted shall become null and void.
- (c) When the Planning Director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the Director's intent to record a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the Planning Director substantiating that the permit has not been abandoned.
- (d) The permittee may, within ten calendar days of the date of the Planning Director's notice, file an appeal to the Planning Commission of the determination by the Planning Director that the use has been

abandoned under the provisions of this section. The matter shall be scheduled for a public hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the Board of Supervisors as set forth in this chapter.

- (e) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and the Planning Director shall record said notice in the Office of the Lassen County Recorder at no cost.

SECTION SIX: Section 18.112.070 (Extension) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.070 Extension

- (a) In the case where a use permit has not been used, and it appears that the use permit shall be abandoned subject to the provisions of Section 18.112.065, the permittee may submit a letter to the Planning Commission, prior to the abandonment becoming final, requesting an extension of time. Such letter shall contain the reasons for the request.
- (b) At its next regularly scheduled meeting, the Planning Commission shall grant or deny the extension of time. An extension of time may be granted for a period up to one year from the effective date of the extension. Only two extensions of time may be allowed.

SECTION SEVEN: Section 18.112.080 (Authorization to Operate) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.080 Authorization to Operate

- (a) 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 Planning Department as described below.
- (b) An Authorization to Operate shall not be issued until the permittee has adequately demonstrated compliance with all conditions of approval which were identified as conditions to be met prior to establishment of the use.
- (c) When a permittee believes that the specified conditions to establish the use have been adequately complied with, the permittee shall submit to the Planning Department a request for Authorization to Operate,

together with documentation as required by the Planning Department to demonstrate compliance with said conditions and a statement of intent to continue compliance with all conditions of approval and payment of the fee specified in section 3.18.020.

- (d) Within ten working days of receipt of a request, the Planning Department shall either confirm compliance with said conditions and issue an Authorization to Operate or advise the permittee to what extent compliance has not been adequately demonstrated. If issued, the Planning Director shall record said Authorization to Operate in the Office of the Lassen County Recorder at no cost. If the Authorization to Operate is not issued, the permittee may thereupon prepare and submit renewed requests for Authorization to Operate with the necessary supporting documentation to the Planning Department. In each case, the Planning Department shall, within ten days, respond to a request as described above.
- (e) Proceedings for revocation of a use permit shall comply with the hearing requirements set forth in this chapter.
- (f) Operation of a use approved pursuant to this chapter prior to issuance of an Authorization to Operate shall be grounds for abatement as a public nuisance pursuant to Chapter 1.18, as well as other enforcement actions pertaining to violation of this code.

SECTION EIGHT: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

EXCERPTS
APPROVED MINUTES
LASSEN COUNTY PLANNING COMMISSION
September 5, 2023

The Commission convened in regular session at 1:10 p.m. at 707 Nevada Street Susanville, CA. Commissioner Higgins was voted in pro tem to Chair the meeting. Mark Higgins presided with Commission members Jeff Askew, and Carol Clark present. Commissioner Solomon and Shaw were absent. Also present were Gaylon Norwood (Deputy Director and Acting Planning Commission Secretary), Planning and Building Services Department staff; and Recording Secretary Anetia Elliott.

(Note: The following is summary minutes of this meeting and is not a transcript. Contact the Planning and Building Services Department {530} 251-8269 to determine if an audio recording is available.)

The following are excerpts from the above meeting.

Lassen County Ordinance. Make a recommendation to the Board of Supervisors regarding an ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate. Gaylon Norwood, Deputy Director presented the staff report.

MOTION:

It was moved by Commissioner Clark, seconded by Commissioner Askew and carried to continue the Lassen County amending ordinance sections to the October 3, 2023, Planning Commission meeting for further review. Commissioners Askew, Higgins and Clark voted “Aye”. Commissioners Solomon and Shaw were absent.

The meeting adjourned at 1:42 p.m.

EXCERPTS
APPROVED MINUTES
LASSEN COUNTY PLANNING COMMISSION
October 3, 2023

The Commission convened in regular session at 1:10 p.m. at 1205 Main Street Susanville, CA. Chairman Mark Solomon presided with Commission members Jeff Askew, Mark Higgins, John Shaw and Carol Clark present. Also present were Maurice Anderson (Director and Acting Planning Commission Secretary), Planning and Building Services Department staff; and Recording Secretary Anetia Elliott.

(**Note:** The following is summary minutes of this meeting and is not a transcript. Contact the Planning and Building Services Department {530} 251-8269 to determine if an audio recording is available.)

The following are excerpts from the above meeting.

PUBLIC HEARING: Make a recommendation to the Board of Supervisors regarding an ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate. Gaylon Norwood, Deputy Director presented the staff report.

The public hearing was opened at 2:10 p.m.

Discussion was held on the Ordinance.

The public hearing was closed at 2:12 p.m.

MOTION:

It was moved by Commissioner Shaw, seconded by Commissioner Higgins, and carried to recommend that the Board of Supervisors adopt the proposed ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. Commissioners Higgins, Askew, Solomon, and Shaw voted "Aye". Commissioner Clark abstained.

The meeting adjourned at 2:32 p.m.



County of Lassen
Department of Planning and Building Services

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

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Main Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

September 27, 2023

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Lassen County Planning Commission
Agenda Date: October 3, 2023

FROM: Maurice L. Anderson, Director

MJM FOR

SUBJECT: Make a recommendation to the Board of Supervisors regarding an ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate.

Summary:

On September 5, 2023, the public hearing for the above referenced draft ordinance was continued to October 3, 2023. There have been no changes, and the September 5, 2023, Planning Commission package is attached for reference.

MLA:gfn

Enclosures: September 5, 2023, Planning Commission package

x/pla/admin/files/300/18/01/69/"Staff report"



County of Lassen
 Department of Planning and Building Services

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

Maurice L. Anderson, *Director*
 707 Nevada Street, Suite 5
 Susanville, CA 96130-3912
 Main Phone: 530 251-8269
 Fax: 530 251-8373
 email: landuse@co.lassen.ca.us
 website: www.co.lassen.ca.us

August 30, 2023

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

TO: Lassen County Planning Commission
 Agenda Date: September 5, 2023

FROM: Maurice L. Anderson, Director

SUBJECT: Make a recommendation to the Board of Supervisors regarding an ordinance amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code. The ordinance would authorize recordation of Use Permit Revocations, Abandonment, and Authorizations to Operate.

Summary:

Attached is a draft ordinance for the consideration of the Planning Commission. The primary intent of the draft ordinance is to provide for the recordation of Use Permit Abandonments, Revocations, and Authorizations to Operate. Currently, these documents are not recorded. However, as a Use Permit is an entitlement that generally “goes with the land” the Department believes it is appropriate for these documents to be recorded.

The proposed ordinance is attached, followed by a document that provides a side-by-side comparison of the existing and the proposed language.

The Planning Commission will make a recommendation (whether the ordinance should or should not be adopted) to the Board of Supervisors.

Adoption Process:

The proposed ordinance is being considered in accordance with section 65853 et seq (Zoning Amendment Procedures) of the California Government Code. In summary, both the Planning Commission and the Board must each conduct a public hearing before said ordinance can be adopted. In accordance with section 65857, the Board of Supervisors can introduce and adopt the ordinance at the same meeting. However, the Board must refer the proposed ordinance back to the Planning Commission, if the Board wishes to consider modifications to the proposed ordinance not considered by the Planning Commission.

Lassen County Planning Commission
Agenda Date: May 2, 2023
Page 2 of 2

California Environmental Quality Act:

The Environmental Review Officer (ERO) has determined that this proposed amendment is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) states that “...*CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*” The proposed amendment merely provides authority to record documents associated with use permits, pursuant to Chapter 18.112 (Use Permits), but does not significantly change the process.

MLA:gfn

Enclosures: Proposed Ordinance
Side-by-side comparison of existing and proposed language
Existing County Code Chapter 18.112 (Use Permits)

x/pla/admin/files/300/18/01/69/“Staff report”

ORDINANCE NO. _____

Ordinance Amending Sections 18.112.040 (Public hearings), 18.112.045 (Notice of planning commission action), 18.112.060 (Revocation), 18.112.065 (Abandonment), 18.112.070 (Extension), and 18.112.080 (Authorization to operate) of the Lassen County Code.

The following ordinance, consisting of eight sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

Ordinance Number: _____
Page 2 of 5

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN

ORDAINS AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Section 18.112.040 (Public hearings) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.040 Public hearings

Public hearings shall be held by the Planning Commission and/or the Board of Supervisors as provided in Section 65091 of the California Government Code.

SECTION THREE: Section 18.112.045 (Notice of planning commission action) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.045 Notice of planning commission action — Use permit effective date

- (a) Upon action by the planning commission to approve, conditionally approve or deny a use permit application, the secretary of the commission shall, within ten days, provide the applicant with notice of the commission's action. If the permit has been conditionally approved, the notice shall specify conditions of approval which must be complied with prior to issuance of an Authorization to Operate and those conditions pertaining to the operation of the use.
- (b) A use permit is effective ten days from the Planning Commission's action, if no appeal is filed, or, if an appeal is filed, the use permit shall be effective on the date of the Board of Supervisor's approval of the use permit. Once the use permit is effective, the applicant can begin working toward compliance with the preoperational conditions of approval, However, a use permit cannot be operated until an Authorization to Operate is issued in accordance with Section 18.112.080.

SECTION FOUR: Section 18.112.060 (Revocation) of the Lassen County Code is hereby repealed and replaced with the following:

Ordinance Number: _____
Page 3 of 5

18.112.060 Revocation

- (a) In any case, where the conditions of approval for a use permit have not been, or are not being, complied with, the Planning Director shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. The Planning Commission shall conduct a public hearing in accordance with Section 18.112.040. At the conclusion of the public hearing the Planning Commission may revoke such permit.
- (b) Any decision by the Planning Commission (whether that be a decision to revoke the subject use permit or a decision to not revoke the use permit) is appealable in accordance with Section 18.112.050.
- (c) Once the revocation becomes final, the Planning Director shall record a notice of the revocation in the Office of the Lassen County Recorder at no cost.

SECTION FIVE: Section 18.112.065 (Abandonment) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.065 Abandonment

- (a) In any case, where a use permit has not met pre-operational conditions and been used legally, or extended under Section 18.112.070, within one year after the effective date of approval, or where it appears a permittee has abandoned the process of obtaining an Authorization to Operate, said permit shall be deemed abandoned and the use permit granted shall become null and void.
- (b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or more, said permit shall be deemed abandoned and the use permit granted shall become null and void.
- (c) When the Planning Director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the Director's intent to record a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the Planning Director substantiating that the permit has not been abandoned.
- (d) The permittee may, within ten calendar days of the date of the Planning Director's notice, file an appeal to the Planning Commission of the determination by the Planning Director that the use has been

Ordinance Number: _____
Page 4 of 5

abandoned under the provisions of this section. The matter shall be scheduled for a public hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the Board of Supervisors as set forth in this chapter.

- (e) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and the Planning Director shall record said notice in the Office of the Lassen County Recorder at no cost.

SECTION SIX: Section 18.112.070 (Extension) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.070 Extension

- (a) In the case where a use permit has not been used, and it appears that the use permit shall be abandoned subject to the provisions of Section 18.112.065, the permittee may submit a letter to the Planning Commission, prior to the abandonment becoming final, requesting an extension of time. Such letter shall contain the reasons for the request.
- (b) At its next regularly scheduled meeting, the Planning Commission shall grant or deny the extension of time. An extension of time may be granted for a period up to one year from the effective date of the extension. Only two extensions of time may be allowed.

SECTION SEVEN: Section 18.112.080 (Authorization to Operate) of the Lassen County Code is hereby repealed and replaced with the following:

18.112.080 Authorization to Operate

- (a) 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 Planning Department as described below.
- (b) An Authorization to Operate shall not be issued until the permittee has adequately demonstrated compliance with all conditions of approval which were identified as conditions to be met prior to establishment of the use.
- (c) When a permittee believes that the specified conditions to establish the use have been adequately complied with, the permittee shall submit to the Planning Department a request for Authorization to Operate,

Ordinance Number: _____
 Page 5 of 5

together with documentation as required by the Planning Department to demonstrate compliance with said conditions and a statement of intent to continue compliance with all conditions of approval and payment of the fee specified in section 3.18.020.

- (d) Within ten working days of receipt of a request, the Planning Department shall either confirm compliance with said conditions and issue an Authorization to Operate or advise the permittee to what extent compliance has not been adequately demonstrated. If issued, the Planning Director shall record said Authorization to Operate in the Office of the Lassen County Recorder at no cost. If the Authorization to Operate is not issued, the permittee may thereupon prepare and submit renewed requests for Authorization to Operate with the necessary supporting documentation to the Planning Department. In each case, the Planning Department shall, within ten days, respond to a request as described above.
- (e) Proceedings for revocation of a use permit shall comply with the hearing requirements set forth in this chapter.
- (f) Operation of a use approved pursuant to this chapter prior to issuance of an Authorization to Operate shall be grounds for abatement as a public nuisance pursuant to Chapter 1.18, as well as other enforcement actions pertaining to violation of this code.

SECTION EIGHT: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

The following is a side-by-side comparison of the existing language found in County Code and the amendments in the proposed ordinance:

Existing Language:	Proposed Language:
<p>Section 18.112.040 (Public hearings)</p> <p>Public hearings shall be held by the planning commission and/or the board of supervisors as provided in Title 7, Division I, Chapter 4, Article 30 of the California Government Code.</p>	<p>Section 18.112.040 (Public hearings)</p> <p>Public hearings shall be held by the Planning Commission and/or the Board of Supervisors as provided in Section 65091 of the California Government Code.</p>
<p>Section 18.112.045 (Notice of planning commission action)</p> <p>Upon action by the planning commission to approve, conditionally approve or deny a use permit application, the secretary of the commission shall, within ten days, provide the applicant with notice of the commission’s action. If the permit has been conditionally approved, the notice shall specify conditions of approval which must be complied with prior to the issuance of the use permit, those conditions which must be met prior to issuance of an authorization to operate and those conditions pertaining to the operation of the use.</p>	<p>Section 18.112.045 Notice of planning commission action — Use permit effective date</p> <p>(a) Upon action by the planning commission to approve, conditionally approve or deny a use permit application, the secretary of the commission shall, within ten days, provide the applicant with notice of the commission’s action. If the permit has been conditionally approved, the notice shall specify conditions of approval which must be complied with prior to issuance of an authorization to operate and those conditions pertaining to the operation of the use.</p> <p>(b) A use permit is effective ten days from the Planning Commission’s action, if no appeal is filed, or, if an appeal is filed, the use permit shall be effective on the date of the Board of Supervisor’s approval of the use permit. Once the use permit is effective, the applicant can begin working toward compliance with the preoperational conditions of approval, However, a use permit cannot be operated until an Authorization to</p>

Existing Language

Proposed Language

	<p>Operate is issued in accordance with Section 18.112.080.</p>
<p>Section 18.112.060 (Revocation)</p> <p>(a) In any case, where the conditions of approval for a use permit have not, or are not, complied with, the planning commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to hearing thereon. At the conclusion of the hearing the planning commission may revoke such permit. Such revocation shall be subject to the right of appeal in the same manner as set forth in Section 18.112.050 of this title.</p>	<p>Section 18.112.060 (Revocation)</p> <p>(a) In any case, where the conditions of approval for a use permit have not been, or are not being, complied with, the Planning Director shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. The Planning Commission shall conduct a public hearing in accordance with Section 18.112.040. At the conclusion of the public hearing the Planning Commission may revoke such permit.</p> <p>(b) Any decision by the Planning Commission (whether that be a decision to revoke the subject use permit or a decision to not revoke the use permit) is appealable in accordance with Section 18.112.050.</p> <p>(c) Once the revocation becomes final, the Planning Director shall record a notice of the revocation in the Office of the Lassen County Recorder at no cost.</p>
<p>Section 18.112.065 (Abandonment)</p> <p>(a) In any case, where a use permit has not been used or extended under Section 18.112.070, within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void.</p> <p>(b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or</p>	<p>Section 18.112.065 (Abandonment)</p> <p>(a) In any case, where a use permit has not met pre-operational conditions and been used legally, or extended under Section 18.112.070, within one year after the effective date of approval, or where it appears a permittee has abandoned the process of obtaining an Authorization to Operate, said permit shall be deemed abandoned and the use permit granted shall become null and void.</p>

Existing Language

Proposed Language

<p>more, said permit shall be deemed abandoned and the use permit granted shall become null and void.</p> <p>(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director's intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned.</p> <p>(d) If, after fulfillment of subsection (c) of this section, it is the determination of the planning director that the permit has been abandoned and if no appeal has been filed according to the provisions of this section, a notice of abandonment shall be provided to the permittee and filed in the office of the county recorder, without cost.</p> <p>(e) The permittee may, within ten calendar days, file an appeal to the planning commission of a determination by the planning director that the use has been abandoned under the provisions of this section. The matter shall be scheduled for hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the board of supervisors as set forth in this chapter.</p> <p>(f) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and a copy of said notice shall be filed with the office of the county recorder, without cost.</p>	<p>(b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or more, said permit shall be deemed abandoned and the use permit granted shall become null and void.</p> <p>(c) When the Planning Director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the Director's intent to record a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the Planning Director substantiating that the permit has not been abandoned.</p> <p>(d) The permittee may, within ten calendar days of the date of the Planning Director's notice, file an appeal to the Planning Commission of the determination by the Planning Director that the use has been abandoned under the provisions of this section. The matter shall be scheduled for a public hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the Board of Supervisors as set forth in this chapter.</p> <p>(e) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and the Planning Director shall record said notice in the Office of the Lassen County Recorder at no cost.</p>
---	--

Existing Language

Proposed Language

<p>Section 18.112.070 (Extension)</p> <p>(a) In the case where a use permit has not been used, and it appears that the use permit shall expire subject to the provisions of subsection (b) of Section 18.112.060, the permittee may submit a letter to the planning commission, prior to expiration of the allotted time, requesting an extension of time. Such letter shall contain the reasons for the request.</p> <p>(b) At its next regularly scheduled meeting, the planning commission shall grant or deny the extension of time. An extension of time may be granted for a period up to one year. Only two extensions of time may be allowed.</p>	<p>Section 18.112.070 (Extension)</p> <p>(a) In the case where a use permit has not been used, and it appears that the use permit shall be abandoned subject to the provisions of Section 18.112.065, the permittee may submit a letter to the Planning Commission, prior to the abandonment becoming final, requesting an extension of time. Such letter shall contain the reasons for the request.</p> <p>(b) At its next regularly scheduled meeting, the Planning Commission shall grant or deny the extension of time. An extension of time may be granted for a period up to one year from the effective date of the extension. Only two extensions of time may be allowed.</p>
<p>Section 18.112.080 (Authorization to operate)</p> <p>(a) 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 planning department as described below.</p> <p>(b) An authorization to operate shall not be issued until the permittee has adequately demonstrated compliance with all conditions of approval which were identified as conditions to be met prior to establishment of the use.</p> <p>(c) When a permittee believes that the approved use has adequately complied with the specified conditions to establish the use, the permittee shall submit to the planning department a request for authorization to operate, together with</p>	<p>Section 18.112.080 (Authorization to operate)</p> <p>(a) 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 Planning Department as described below.</p> <p>(b) An Authorization to Operate shall not be issued until the permittee has adequately demonstrated compliance with all conditions of approval which were identified as conditions to be met prior to establishment of the use.</p> <p>(c) When a permittee believes that the specified conditions to establish the use have been adequately complied with, the permittee shall submit to the Planning Department a request for</p>

Existing Language

Proposed Language

<p>documentation as required by the planning department to demonstrate compliance with said conditions and a statement of intent to continue compliance with all conditions of approval.</p> <p>(d) Within ten working days of receipt of a request, the planning department shall either confirm compliance with said conditions and issue an authorization to operate or advise the permittee to what extent compliance has not been adequately demonstrated. The permittee may thereupon prepare and submit renewed requests for authorization to operate with the necessary supporting documentation to the planning department. In each case, the planning department shall, within ten days, respond to a request as described above.</p> <p>(e) Operation of a use approved pursuant to this chapter prior to issuance of an authorization to operate shall be grounds for revocation of the use permit as well as other enforcement actions pertaining to violation of this code. Proceedings for revocation of a use permit shall comply with the hearing requirements set forth in this chapter.</p>	<p>Authorization to Operate, together with documentation as required by the Planning Department to demonstrate compliance with said conditions and a statement of intent to continue compliance with all conditions of approval and payment of the fee specified in section 3.18.020.</p> <p>(d) Within ten working days of receipt of a request, the Planning Department shall either confirm compliance with said conditions and issue an Authorization to Operate or advise the permittee to what extent compliance has not been adequately demonstrated. If issued, the Planning Director shall record said Authorization to Operate in the Office of the Lassen County Recorder at no cost. If the Authorization to Operate is not issued, the permittee may thereupon prepare and submit renewed requests for Authorization to Operate with the necessary supporting documentation to the Planning Department. In each case, the Planning Department shall, within ten days, respond to a request as described above.</p> <p>(e) Proceedings for revocation of a use permit shall comply with the hearing requirements set forth in this chapter.</p> <p>(f) Operation of a use approved pursuant to this chapter prior to issuance of an Authorization to Operate shall be grounds for abatement as a public nuisance pursuant to Chapter 1.18, as well as other enforcement actions pertaining to violation of this code.</p>
--	---

EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.112 USE PERMITS

18.112.010 Generally.

18.112.020 Application.

18.112.035 Planning commission review of applications.

18.112.040 Public hearings.

18.112.045 Notice of planning commission action.

18.112.050 Appeal.

18.112.060 Revocation.

18.112.065 Abandonment.

18.112.070 Extension.

18.112.080 Authorization to operate.

18.112.090 Permit administration fees.

18.112.100 Mandatory findings.

18.112.010 Generally.

Use permits which may be revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title. (Ord. 467-H § 2, 1991).

18.112.020 Application.

EXISTING COUNTY CODE

Application for a use permit, or for an amendment to an existing valid use permit, shall be made to the county in writing on a form prescribed by the planning department and shall be accompanied by plans, elevations, and any additional information necessary to show details of the proposed use or building. Such an application shall be accompanied by a fee set by the board of supervisors, no part of which shall be returnable to the applicant. An application to amend an existing valid use permit shall be processed in the same manner as an application for a new use permit as specified in this chapter. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).

18.112.035 Planning commission review of applications.

(a) If a use permit application is to be considered by the county in conjunction with and contingent upon the approval of an application for a general plan amendment and/or a rezone, the planning commission's review of and recommendations regarding the use permit and the project as a whole shall be advisory to the board of supervisors. The board shall have the authority to approve, conditionally approve or deny the use permit application.

(b) If a use permit application is to be considered without a related general plan amendment and/or rezone application as described above, the planning commission shall have the authority to approve, conditionally approve or deny the use permit application, subject to the appeal provisions of this chapter.

(c) In the case of an application to amend an existing valid use permit, except for matters related to public health and safety, the commission's authority shall be limited to approval, conditional approval, or denial of the amendment applied for. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).

18.112.040 Public hearings.

Public hearings shall be held by the planning commission and/or the board of supervisors as provided in Title 7, Division I, Chapter 4, Article 30 of the California Government Code. (Ord. 467-H § 2, 1991).

18.112.045 Notice of planning commission action.

Upon action by the planning commission to approve, conditionally approve or deny a use permit application, the secretary of the commission shall, within ten days, provide the applicant with notice of the commission's action. If the permit has been conditionally approved, the notice shall specify conditions of approval which must be complied with prior to the issuance of the use permit, those conditions which must be met prior to issuance of an authorization to operate and those conditions pertaining to the operation of the use. (Ord. 467-X § 12, 2000; Ord. 467-H § 2, 1991).

18.112.050 Appeal.

Any person not satisfied with the action of the planning commission under Section 18.112.035(b) may, within ten days of the notice of the commission's action, appeal in writing to the board of supervisors. A copy of such appeal shall be submitted to the planning commission. Said board shall render its decision within sixty days after the date of filing of such appeal. (Ord. 467-X § 13, 2000; Ord. 467-H § 2, 1991).

EXISTING COUNTY CODE

18.112.060 Revocation.

(a) In any case, where the conditions of approval for a use permit have not, or are not, complied with, the planning commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to hearing thereon. At the conclusion of the hearing the planning commission may revoke such permit. Such revocation shall be subject to the right of appeal in the same manner as set forth in Section 18.112.050 of this title. (Ord. 467-H § 2, 1991).

18.112.065 Abandonment.

(a) In any case, where a use permit has not been used or extended under Section 18.112.070, within one year after the effective date of approval, said permit shall be deemed abandoned and the use permit granted shall become null and void.

(b) In any case, where the active construction or operation of a use permitted by a use permit ceases for a continuous period of twelve months or more, said permit shall be deemed abandoned and the use permit granted shall become null and void.

(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director's intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned.

(d) If, after fulfillment of subsection (c) of this section, it is the determination of the planning director that the permit has been abandoned and if no appeal has been filed according to the provisions of this section, a notice of abandonment shall be provided to the permittee and filed in the office of the county recorder, without cost.

(e) The permittee may, within ten calendar days, file an appeal to the planning commission of a determination by the planning director that the use has been abandoned under the provisions of this section. The matter shall be scheduled for hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the board of supervisors as set forth in this chapter.

(f) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and a copy of said notice shall be filed with the office of the county recorder, without cost. (Ord. 467-H § 2, 1991).

18.112.070 Extension.

(a) In the case where a use permit has not been used, and it appears that the use permit shall expire subject to the provisions of subsection (b) of Section 18.112.060, the permittee may submit a letter to the planning commission, prior to expiration of the allotted time, requesting an extension of time. Such letter shall contain the reasons for the request.

EXISTING COUNTY CODE

(b) At its next regularly scheduled meeting, the planning commission shall grant or deny the extension of time. An extension of time may be granted for a period up to one year. Only two extensions of time may be allowed. (Ord. 467-H § 2, 1991).

18.112.080 Authorization to operate.

(a) 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 planning department as described below.

(b) An authorization to operate shall not be issued until the permittee has adequately demonstrated compliance with all conditions of approval which were identified as conditions to be met prior to establishment of the use.

(c) When a permittee believes that the approved use has adequately complied with the specified conditions to establish the use, the permittee shall submit to the planning department a request for authorization to operate, together with documentation as required by the planning department to demonstrate compliance with said conditions and a statement of intent to continue compliance with all conditions of approval.

(d) Within ten working days of receipt of a request, the planning department shall either confirm compliance with said conditions and issue an authorization to operate or advise the permittee to what extent compliance has not been adequately demonstrated. The permittee may thereupon prepare and submit renewed requests for authorization to operate with the necessary supporting documentation to the planning department. In each case, the planning department shall, within ten days, respond to a request as described above.

(e) Operation of a use approved pursuant to this chapter prior to issuance of an authorization to operate shall be grounds for revocation of the use permit as well as other enforcement actions pertaining to violation of this code. Proceedings for revocation of a use permit shall comply with the hearing requirements set forth in this chapter. (Ord. 467-H § 2, 1991).

18.112.090 Permit administration fees.

(a) The county may levy a permit administration fee to reimburse the county for the cost of administration of an approved use permit. Such costs include, but are not limited to, costs for certification of compliance with conditions of approval and monitoring of environmental mitigation measures.

(b) Payment of the permit administration fee shall be payable prior to issuance of an authorization to operate. (Ord. 467-H § 2, 1991).

18.112.100 Mandatory findings.

The following findings shall be made by the planning commission or board of supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit application:

EXISTING COUNTY CODE

(1) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.

(2) That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan. (Ord. 467-H § 2, 1991).

Contact:

Clerk of the Board of Supervisors: 530-251-8427

Published by Quality Code Publishing, Seattle, WA. By using this site, you agree to the terms of use.