



*County of Lassen*  
Department of Planning and Building Services


• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

**Maurice L. Anderson, Director**  
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May 5, 2017

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

TO: Board of Supervisors  
Agenda Date: May 16, 2017

FROM: Maurice L. Anderson, Director 

SUBJECT: Request by Eddy Bauer to waive \$600 for a yet unspecified application to vary from the setback requirements for a proposed carport. The subject property is located in Pine Town, CA Assessor Parcel Numbers 125-241-03.

ACTION REQUESTED:

1. Waive \$600 as requested; or
2. Clarify which application fee(s) are to be waived and waive said fee or fees; or
3. Deny the request for a fee waiver

SUMMARY

This Board letter is in regard to the attached fee waiver request submitted by Mr. Eddy Bauer. While the application indicates that the request is for a waiver, the fee amount Mr. Bauer identified on the waiver application form does not correspond to a fee within the fee schedule of the Department of Planning and Building Services.

As stated above, the request fails to specify which application fee the waiver request is for, but instead refers to waiving "survey costs" in an attached narrative. It should be noted that correspondence dated March 27, 2017, specifically notes that survey costs (costs between a licensed land surveyor and a private party) are not costs the Board of Supervisors has authority to waive or reimburse.

Again, and as outlined in previous correspondence (attached as Exhibits A and B), the Board of Supervisors has authority to waive/refund any application fee specified in Chapter 3.18 of the Lassen County Code. Specifically, the Board may grant fee waivers upon presentation of evidence that an exceptional circumstance exists.

Based on the applicant's graphic, it appears Mr. Bauer is interested in a reduced side setback for a proposed carport. The attached letters from the Planning and Building Services Department, dated March 27, 2017, and October 28, 2016, provide detail on the options available to the applicant in terms of the process to consider a reduced setback. The following is a brief summary of the applicable setbacks:

- 20 foot setback required by the Westwood Subdivision Unit No. 4, Pages 90-93. Modification of this setback requires approval and recordation of a Final Parcel Map. The application fee for a Tentative Parcel Map is \$754. If the project is approved, the services of a licensed surveyor (or engineer authorized to practice land surveying) are required by the Subdivision Map Act and the Professional Land Surveyors Act. The Board is not able to waive the private surveyor's fees, or the services performed.
- 10 foot side yard setback pursuant to the R-1-B-D (Single Family Residential, Building Site and Design Combining Districts); which may be waived entirely through approval of a Design Review application. The cost of a Design Review application is \$63.

The Board could and should deny the \$600 waiver request since it does not specify which application fee the request is for, nor does the \$600 coincide with any application fees.

Alternatively, upon clarification and concurrence from the applicant of his intent, the Board could instead waive the \$754 Tentative Parcel Map filing fee (needed to potentially remove the setback requirement denoted on the subdivision map) and the \$63 Design Review application filing fee (potentially allowing for the elimination of a zoning setback). This waiver would represent a total of \$817.

This interpretation by staff (a waiver for both a Parcel Map and Design Review fee) is consistent with only the graphic provided by Mr. Bauer and is inconsistent with the waiver application and narrative provided by same. Again, Mr. Bauer would need to provide input to the Board indicating if this alternative is what he desires. It would also be prudent to reaffirm that any other fees associated with the applications would be Mr. Bauer's responsibility.

It is also important to note that a granting of an application fee waiver does not imply approval, and that both applications (the Parcel Map and Design Review applications) referred to herein are discretionary applications considered by the Planning Commission and Architectural Review Committee, respectively – the ultimate appeal body to both being the Board of Supervisors.

While staff has provided this alternative in an effort to provide the Board of Supervisors with an application waiver request that seems to best represent what Mr. Bauer is depicting/requesting in his graphic, we are not recommending that the fees be waived, as the same restrictions and limitations are in place and applicable to many parcels in the immediate vicinity of Mr. Bauer. Further, staff is not aware of any evidence that an “exceptional circumstance exists” that would necessitate the waiver of the fees typically associated with this reduced side setback request.

MLA:gfn  
Enclosures

s/pla/admin/files/335.01.01/125-241-03May16,2017



# APPLICATION FOR WAIVER OR REFUND OF APPLICATION FEES

Under the provisions of Section 3.18.100 of the Lassen County Code, the Board of Supervisors has the authority to waive or refund fees upon presentation of evidence that an exceptional circumstance exists.

I hereby request a waiver or refund of the fees as listed below:

- ☒ Waiver of fees in the amount of \$ 600.00 required for the following application(s): METAL REMOVABLE CARPORT WITH SIDES & BACK PREFABRICATED
- ☒ Refund of fees in the amount of \$ 600.00 submitted on 4-20-17 <sup>ED</sup> ~~4-15-17~~ (date) for the following application(s): METAL REMOVABLE CARPORT WITH SIDES & BACK PREFABRICATED

The exceptional circumstances for this request are as follows (attach additional pages as needed):

See ATTACHMENT EXHIBIT 1A2 & 1A3

Eddy Bauer  
Applicant (Please Print)

P.O. Box 904  
Mailing Address

Westwood CA 96137  
City/State/Zip

(530) 256-~~1530~~ **RECEIVED**  
Phone number

THIS REQUEST SUBMITTED BY:

APR 20 2017

☒ Applicant

Lassen County Department of  
Planning and Building Services  
orig: MIA  
cc: GFH  
co. clerk

Eddy Bauer  
Signature

4-15-17  
Date

☐ Community Development Director on behalf of applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# APPLICATION FOR WAIVER OR REFUND OF APPLICATION FEES

Under the provisions of Section 3.18.100 of the Lassen County Code, the Board of Supervisors has the authority to waive or refund fees upon presentation of evidence that an exceptional circumstance exists.

RECEIVED

APR 17 2017

I hereby request a waiver or refund of the fees as listed below:

Lassen County Department of  
Planning and Building Services

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- ☒ Refund of fees in the amount of \$ 600.00 submitted on 4-15-17 (date) for the following application(s): METAL REMOVABLE CARPORT WITH SIDES & BACK PREFABRICATED

The exceptional circumstances for this request are as follows (attach additional pages as needed):

See ATTACHMENT EXHIBIT 1A2 & 1A3

Eddy Bauer  
Applicant (Please Print)

P.O. Box 904  
Mailing Address

Westwood CA 96137  
City/State/Zip

(530) 256-2451  
Phone number

## THIS REQUEST SUBMITTED BY:

☒ Applicant

Eddy Bauer  
Signature

4-15-17  
Date

☐ Community Development Director on behalf of applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Exhibit 1A3

### Application Fee Waiver

### Address Survey Costs

April 15 2017

Attention: Maurice L. Anderson

Dear Lassen County Board of Supervisors and Lassen County Building and Planning Department,

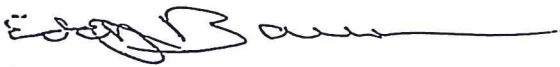
As you see on the outlay of the map of Exhibit 1A2, the layout of the carport. This would not meet the required set back; actually, there would be a ZERO setback from the county middle stake survey marker.

With that said, the front of this metal prefabricated carport would end up being 14.5 feet from the front of the edge of the carport to the edge of the asphalt, which is all dirt, as you can see laid out on the map.

I have laid out in detail all the accurate measurements. Since this is a prefabricated carport, it will not be sitting on a foundation, but merely anchored to pier blocks cemented into a square footing. When this carport is ordered, the carport will be to county specifications for snow load.

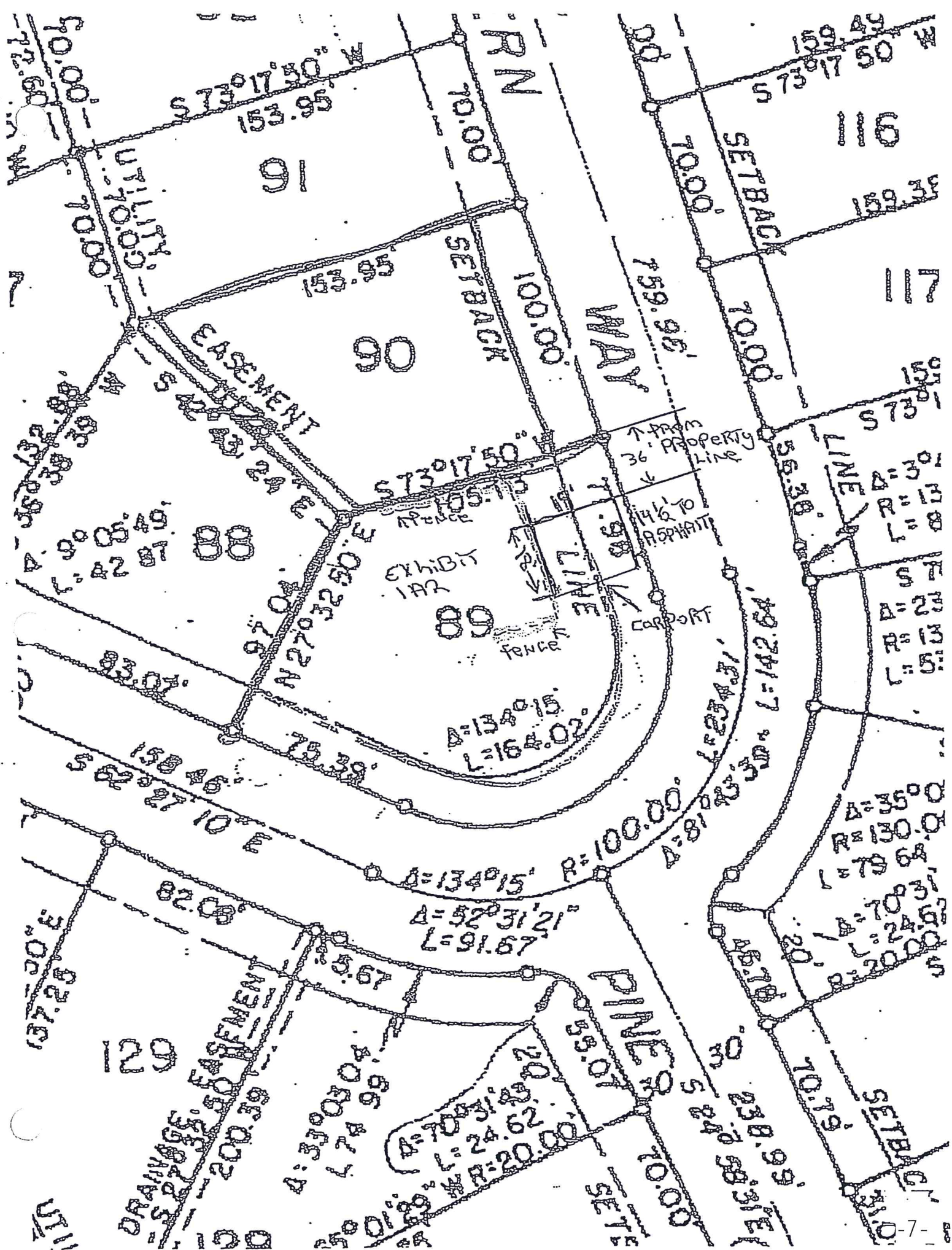
I request to have survey costs waived, since it is obvious to all parties that the set back is out of compliance. With your understanding, I would like to request that you grant this permit.

Cordially,



Eddy Bauer





Lassen County Code							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>		<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>

[Title 3 REVENUE AND FINANCE](#)

[Chapter 3.18 FEES AND REVENUES](#)

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### **3.18.100 Waiver of fees.**

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The board of supervisors may waive or refund any fee set forth in this chapter upon presentation of evidence that an exceptional circumstance exists. Whenever a person believes that such exceptional circumstances exist, he/she may file a written application with the board of supervisors for a waiver or refund of fees. A department head may file such application on behalf of such person. (Ord. 482-D, 2002).

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View the [mobile version](#).





County of Lassen  
Department of Planning and Building Services

LAND USE

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

March 27, 2017

Maurice L. Anderson, *Director*  
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website: www.co.lassen.ca.us

Edwin Bauer  
P.O. Box 904  
Westwood, CA 96137

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

Re: 463-665 Fern Way  
Westwood, CA 96137  
Assessor Parcel Numbers 125-241-03 and 04

Dear Mr. Bauer:

This letter follows our October 28, 2016, letter (attached) and it also follows a recent meeting you had with Supervisor Gallagher regarding construction of a carport on the above referenced parcel. Specifically, you have proposed a reduced setback for a carport. Our October 28, 2016, letter provided you the mechanisms whereby a reduced setback can be proposed (in your case you are contending with both a zoning setback requirement and a note on the subdivision map that created your parcel, which denotes a 20 foot setback). Please continue to utilize said letter (attached) for information about the various setbacks on your parcel and potential remedies for relief from said restrictions.

At Supervisor Gallagher's request, we want to make you aware that Section 3.18.100 of the Lassen County Code which authorizes the Board of Supervisors to waive or refund any application fee (i.e. variance applications, parcel and subdivision map applications, design review applications, etc.). Thus you are entitled to request any waiver of application fees you think appropriate (see attached application).

While Supervisor Gallagher has indicated possible support for an application of fee waiver, please note that approval of a waiver is at the discretion of the majority of the Board of Supervisors. I would also note you can make a waiver request before submitting any of the actual applications to this Department. It is also important to disclose that while you may request and be granted a waiver of the fee related to modifying the setback on your map (to remove the 20' setback), other fees associated with a parcel map application, such as survey costs, tax requirements, etc., would not be something the Board can waive and as such, would be your responsibility.

This Department is willing to meet with you by appointment, should you have any questions regarding this matter.

Sincerely,

Maurice L. Anderson, Director  
Director/Acting Building Official

MLA:gfn

CERTIFIED MAIL/RETURN RECEIPT 4/11/17  
7015 0640 0005 0681 2087

Enclosures

cc: Lassen County Board of Supervisors  
County Administrative Officer  
Clerk of the Board of Supervisors

s/pla/admin/files/802/125-241-03 Bauer October 26-2016



County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

October 28, 2016

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
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email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

Edwin Bauer  
P.O. Box 904  
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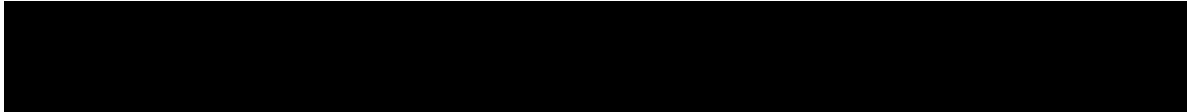
Zoning & Building  
Inspection Requests  
Phone: 530257-5263

Re: 463-665 Fern Way  
Westwood, CA 96137  
Assessor Parcel Numbers 125-241-03 and 04

Dear Mr. Bauer:

Background:

This letter follows the public comments you made at the September 13, 2016, Board of Supervisors meeting in regard to development of the above referenced parcels. You have also discussed development of this parcel with my staff, but no specific information regarding your proposal has been provided. A primary topic of discussion with the Board and with this Department has been the process and cost of an application to allow consideration of a reduction of the setback requirement for a carport.



This letter is intended to provide information to you in regard to both of the above subjects. In summary of the information provided in this letter, your project may be subject to the approval of one or more of the following applications:

- Tentative Parcel Map application
- Design Review application
- Zoning Variance application

Carport Proposal:

We will be able to provide you specific information as to which (if any) of the above applications are required when you provide the information discussed herein. The most pertinent data that will enable us to provide said information to you is a proposed plot plan showing the exact location of the carport you are proposing. Until said plot plan is provided, we can only discuss your proposal in generalities. That said, we understand your project description, as you have described it, to be:



A proposal for a carport on Assessor Parcel Number (APN) 125-241-03. Both of the above referenced parcels (APN 125-241-03 and 04) are zoned R-1-B-D (Single Family Residential, Building Site and Design Combining Districts). Parcel 125-241-03 is developed with a residence; however, an address has not been assigned. The adjoining parcel that you own (APN 125-241-04) is undeveloped but the address 463-665 Fern Way has been assigned. As well, both parcels are within the *Westwood Area Plan*, and are subject to any and all policies contained therein.

You have not provided a plot plan showing your proposed location for said carport. You have not submitted a building permit application, nor have you met with Building Division staff to present any preliminary building plans. We will do our best to provide information to you, despite the lack of specific information regarding your project.

*Compliance with Notes on Recorded Final or Parcel Maps:*

Lassen County Code Section 16.04.060 and 18.102.100 and the Subdivision Map Act require adherence to requirements found on a recorded Parcel or Final Map or on any mitigation monitoring and reporting program. The above referenced parcels were created by the Westwood Subdivision Unit No. 4, recorded at Book 4, Pages 90-93 of the Official Records of Lassen County.

Said Map requires a 20 foot setback from Fern Way and from Parkwood Drive. This setback applies to any structure (in contrast the zoning ordinance allows a 10 foot side yard setback for carports). If you propose locating any structure within said 20 foot setback, you will first be required to submit, and have approved, a Tentative Parcel Map application to modify the 20 foot setback (to allow construction of said carport in said setback). If approved, the Parcel Map (or perhaps a Parcel Map Waiver) would need to be recorded prior to issuance of any building permit. In accordance with Lassen County Code Section 3.18.020, the application fee for a Tentative Parcel Map is \$754. Attached is the Tentative Parcel Map process handout, which provides more detailed information about the Tentative Parcel Map process.

*Zoning Setback Information:*

As stated above, your property is zoned R-1-B-D. Development standards applicable to said Districts are summarized as follows (see attached zoning Districts for complete information):

- The front yard setback for a carport is ten feet
- The front yard setback for construction of a new or redesigned residence or garage is 20 feet
- The side yard setback is five feet for interior lots; except that the setback for a corner lot is ten feet on the street side. The side yard setback may be reduced or eliminated entirely for construction of a carport, upon approval of a design review application
- The rear yard setback for all accessory structures is five feet from the property line and/or easement line
- The maximum height for main buildings is 25 feet. Upon approval of a design review application the height of main buildings can be increased to 35 feet

- The maximum height for accessory buildings is 20 feet or the height of the main building, whichever is lower. Upon approval of a design review application, accessory building heights may be increased to 35 feet
- Maximum lot coverage is 35 percent

Again, the attached R-1 zoning District and the B and D Combining Districts provide more detailed information. The above is a summary only.

The Zoning Variance Process handout is enclosed to provide further information on the variance process. As you have noted, the cost to submit a zoning variance application is \$571, in accordance with Section 3.18.020 of the Lassen County Code.

Any proposed setback that is less than that enumerated above (unless it is noted that said setback can be allowed upon approval of a design review application – as noted above) will first require approval of a zoning variance. Since your property is in a Design Combining District, you will, at a minimum, be required to submit a design review application (enclosed). The cost for design review applications for residential uses is \$63.00 in accordance with Section 3.18.020 of the Lassen County Code.

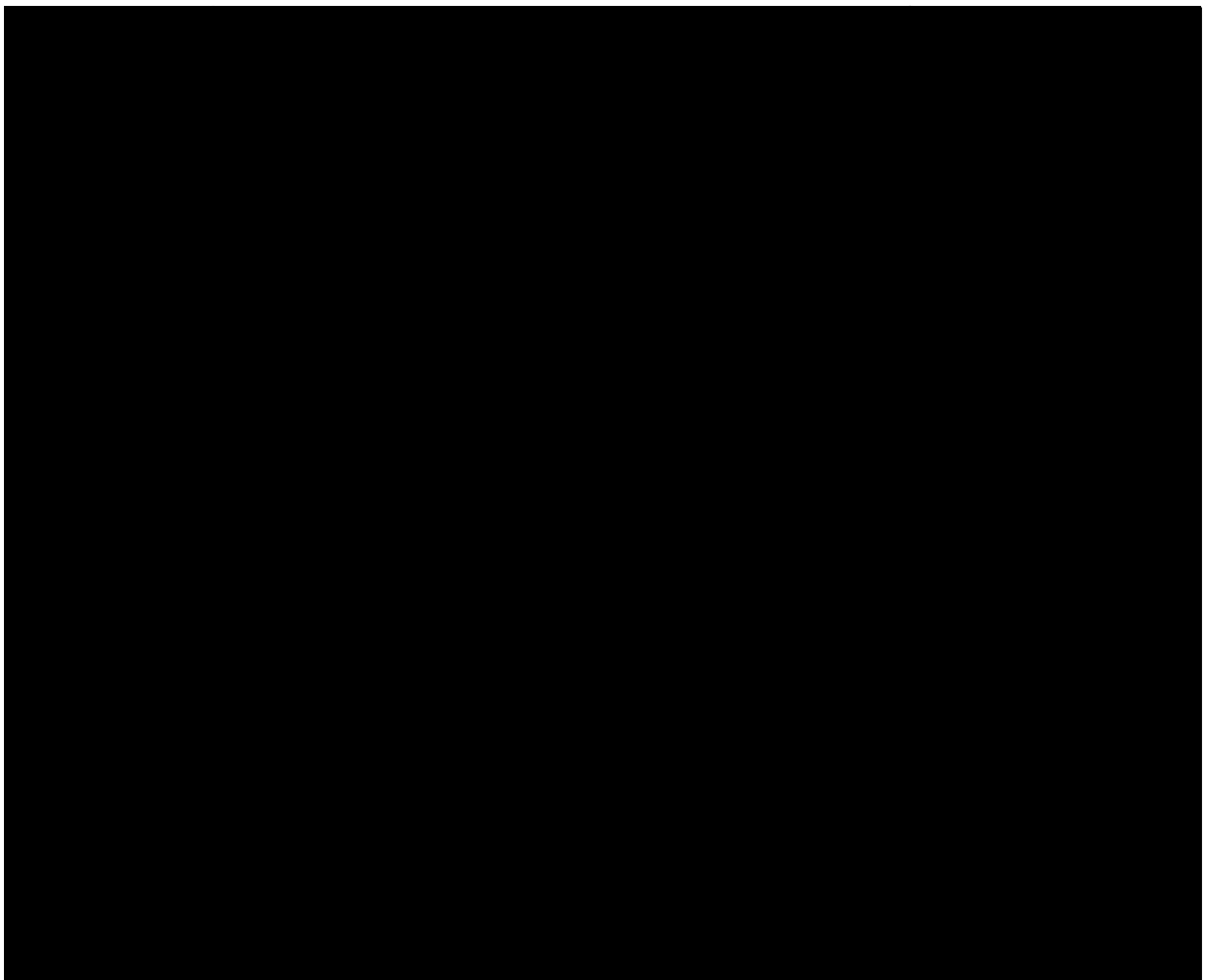
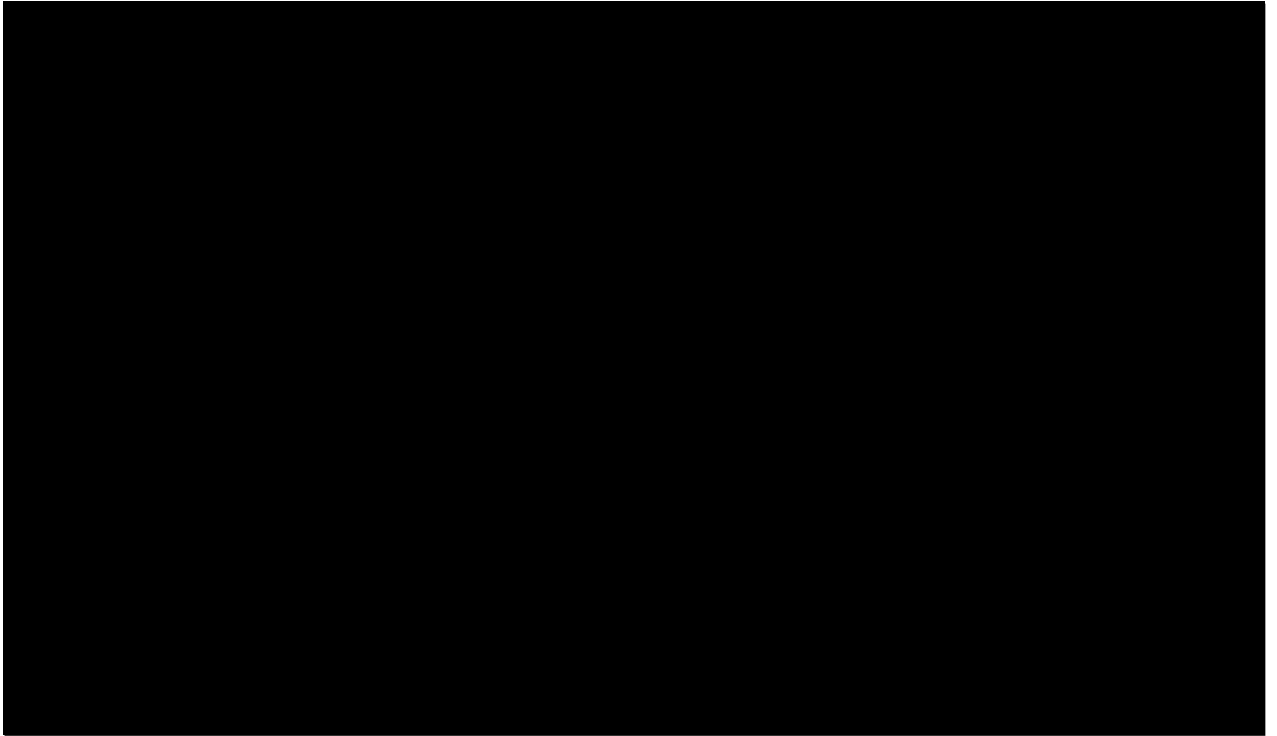
As stated in the introduction, you have objected to the adopted application fees. This Department is not empowered by the Board of Supervisors to waive any application fee. However, in accordance with Lassen County Code Section 3.18.100, the Board of Supervisors has authority to waive or refund any fee set forth in Chapter 3.18. As such, you may submit an application for waiver of any of the application fees identified in this letter. Said fee waiver application would need to present evidence that exceptional circumstances exist that would allow the Board to consider waiving the fee. An application for a waiver/refund of fees, which would be considered by the Board of Supervisors, is attached for your use should you so choose. Said application should be submitted to this Department with information as to the exceptional circumstances that apply.

In conclusion, we can provide you information as to which, if any, of the applications discussed herein will apply to your proposal when you provide a plot plan and specific information about your project.

[REDACTED]

[REDACTED]

[REDACTED]





Lastly, I want to inform you that, in the future, our communication will need to be in writing. It is clear that we (you and this Department) have a different perception on many issues. For that reason, communicating in writing is essential to maintain a clear understanding between us, so that anyone who examines our communications in the future can be assured of what was said and what was not.

Sincerely,



*for* Maurice L. Anderson, Director  
Acting Building Official

MLA:gfn  
Enclosures

cc: County Administrative Officer  
Lassen County Counsel

s/pla/admin/files/802/125-241-03 Bauer October 26-2016

bcc: Board of Supervisors (individually addressed)