



County of Lassen
Department of Planning and Building Services

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

September 4, 2018

Maurice L. Anderson, *Director*
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TO: Board of Supervisors
Agenda Date: September 18, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

A handwritten signature in black ink, appearing to read "M. Anderson", written over the printed name.

SUBJECT: Request on behalf of Elsie Taylor to waive the \$571 Class II Use Permit fee for a non-profit health clinic in accordance with Lassen County Code Section 3.18.100 (Request for Waiver or Refund of Application Fees). The project site is located at 742-450 Herlong Access Road, Herlong, CA 96113 (approximately 5 miles northeast of the intersection of Herlong Access Road and U.S. Highway 395). APN: 139-120-02.

RECOMMENDATION: That the Board waive the \$571 Class II Use Permit fee for Use Permit #2018-012, Taylor.

SUMMARY:

On April 17, 2018, the Lassen County Board of Supervisors approved Elsie Taylor's request for a fee waiver (for both a rezone and an initial study) to rezone the subject parcel to allow for a health clinic (see attached minute order). Upon further review of Ms. Taylor's project description as contained in her rezone and initial study applications received June 22, 2018 (and related documents), the Department of Planning and Building Services (Department) determined that her proposed non-profit medical clinic met the definition of a "public use" as allowed by use permit in the R-1 zoning district, and that therefore, only a use permit (and not a rezone and initial study) application would be necessary for Ms. Taylor's proposed medical clinic. Furthermore, the Environmental Review Officer determined that such a use permit application would be exempt from the California Environmental Quality Act (CEQA) since Ms. Taylor proposes to use an existing building for said medical clinic (see attached letter dated July 20, 2018 for more information).

A use permit application is more appropriate for the proposed medical clinic than a rezone application because under the environmental review process relevant to rezone applications, the Department must analyze the potential impacts of all of the uses allowed by right in the proposed (rezone to the) C-T (Town Service District) zoning district, whereas a use permit application directly addresses the proposed use (the corollary is that said use is exempt from environmental review as specified above). In short, the Department believes that an exempt use permit application will save the applicant the unnecessary expense of having to prepare superfluous environmental studies as well as the time it takes to prepare them.

Lassen County Code Section 3.18.100 allows that the Board may "waive any fee set forth in [Title 3 of the Lassen County Code]...upon presentation of evidence that an 'exceptional circumstance' exists" (the Class II Use Permit fee is set forth Lassen County Code Section 3.18.020). The Department believes that the change in application (from a rezone to a use permit) presents an exceptional

circumstance to this effect. The original rationale for finding that an exceptional circumstance existed for the rezone and initial study application fee waiver was Ms. Taylor's following statement: "There is an overwhelming need for a [health] clinic in Herlong. I cannot afford the fees, as I just buried my brother > \$11,000.00."

If the Board approves this fee waiver request, the Department intends to present the use permit application to the Technical Advisory Committee at its October 4, 2018, meeting and to the Planning Commission at its November 7, 2018, meeting. The Department received Ms. Taylor's use permit application on August 31, 2018.

MLA:smr

Enclosures: Minute Order from April 17, 2018, Board of Supervisors meeting
Letter to Elsie Taylor dated July 20, 2018
Lassen County Code Section 3.18.100
Lassen County Code Section 18.22.040
Lassen County Code Section 18.14.920

S:/PLA:/Admin/FILES/335.01.01/Use Permit #2018-012, Taylor



**Lassen County
Board of Supervisors
Minute Order**

Tuesday, April 17, 2018

LASSEN COUNTY SUPERVISORS:

DISTRICT 1 - CHRIS GALLAGHER - CHAIRMAN; DISTRICT 2 - DAVID TEETER ; DISTRICT 3 - JEFF HEMPHILL - VICE-CHAIRMAN; DISTRICT 4 - AARON ALBAUGH; DISTRICT 5 - TOM HAMMOND

9:00 A.M. CALL TO ORDER

Present: Supervisors Teeter, Hemphill, Albaugh and Hammond. Also Present: County Administrative Officer (CAO) Richard Egan, County Counsel Robert Burns and Deputy Clerk of the Board Michele Yderraga.

Present: 4 - David Teeter, Jeff Hemphill, Aaron Albaugh and Tom Hammond

Absent: 1 - Chris Gallagher

Excuse: 0

MATTERS SET FOR TIME CERTAIN

PLANNING

SUBJECT: Request by Elsie Taylor, to waive the \$1,365 fees for a Rezone and Initial Study application. Request made pursuant to Lassen County Code Section 3.18.100 (Request for Waiver or Refund of Application Fees). The project site is located at 742-450 Herlong Access Road, 3 miles north east of Highway 395 in Herlong. APN: 139-120-02.

FISCAL IMPACT: Net loss of \$1,365 to the General Fund Budget Unit No. 100

ACTION REQUESTED: 1) Waive the \$1,365 fee; or 2) deny the request for waiver of the fee.

Planning and Building Director Maurice Anderson gave an explanation of the request to waive the application fee for Elsie Taylor. Extensive discussion was held.

SPEAKERS: Elsie Taylor and Director of Health and Social Services Barbara Longo.

A motion was made by Supervisor Hammond, seconded by Supervisor Teeter, to waive the \$1365 application fee. The motion carried by the following vote:

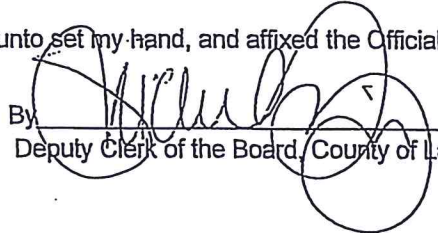
Aye: 4 - Teeter, Hemphill, Albaugh and Hammond

Absent: 1 - Gallagher

County of Lassen County)
State of California.) ss.

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, State of California, do hereby certify the foregoing to be a full, true and correct copy of the minute order of said Board of Supervisors on above date.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Official Seal of the said Board of Supervisors this 19th day of April, 2018.

By 
Deputy Clerk of the Board, County of Lassen, Board of Supervisors



County of Lassen
Department of Planning and Building Services

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

July 20, 2018

Maurice L. Anderson, *Director*
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Elsie B. Taylor
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Herlong, CA 96113

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Rezone #2018-004, Initial Study #2018-012

Dear Ms. Taylor:

This letter is in response to your rezone and initial study applications this Department received on June 22, 2018, to rezone Assessor Parcel Number 139-120-02 from R-1 (Single Family Residential District) to C-T (Town Service District) to allow for a medical clinic. Upon further review of your project description as contained in your email correspondence with Senior Building Technician Kelley Hinman, dated March 10, 2018, I have determined that your proposed non-profit medical clinic meets the definition of a "public use" as allowed by use permit in the R-1 (Single Family Residential District) zoning district under Section 18.22.040(2) of the Lassen County Code (please also see the definition of a "public use," attached). As the Lassen County Environmental Review Officer, I have also determined that your project is exempt from the California Environmental Quality Act, since you propose to use an existing building for your medical clinic and I do not believe your project will have a significant effect on the environment.

In light of this, I have determined that only a use permit application, and not a rezone, nor an initial study to identify potential environmental impacts related to your project, is necessary for the approval of your project (a building permit will also be required if the Planning Commission ultimately approves your use permit application). I have also attached a use permit project detail supplement form with our standard use permit application; please fill out both in order to provide our Department with as much detail as possible regarding your proposed medical clinic.

Our Department will initiate the use permit fee waiver request once you submit the use permit application and use permit project detail supplement form. As Assistant Director Gaylon Norwood related to you over the phone on July 13, 2018, an exempt use permit application (instead of a rezone and initial study) is preferable in that our Department will not have to analyze other impacts (such as repair shops; landscaping yards; heavy equipment or farm equipment rental, service, and sales and others) that would have been allowed in the new C-T zoning district. I anticipate that this will save you time and expense.

Please contact Associate Planner Stefano Richichi at (530) 251-8269 or at srichichi@co.lassen.ca.us if you have further questions.

Sincerely,

fvr Maurice L. Anderson
Director

MLA:smr

Enclosures: Rezone Application #2018-004, Initial Study Application #2018-012
Use Permit Application, Use Permit Project Detail Supplement Form, and Use Permit Process Form
Lassen County Code Chapter 18.22
Lassen County Code Section 18.14.920

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3.18.100 Waiver of fees.

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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18.22.040 Uses allowed by use permit.

Uses allowed by use permit in an R-1 district shall be as follows:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, parks, playgrounds, schools, and public utility buildings;
- (3) Mobile home parks;
- (4) All other uses similar to those enumerated above when determined by the planning director, upon presentation of substantial evidence, to be of the same or similar character as the above permitted uses. (Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

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18.14.920 Public use or building.

“Public use or building” means a noncommercial building or use which is open to and/or serves the general public. Public use or building may include, but is not limited to: public schools, museums, fire houses, public restrooms, community halls and parks. A “public” use or building shall be determined by the nature of its use and not by its ownership or management, e.g. senior citizen housing subsidized by a public agency is a residential use, not a public use. Also see “Quasi-public use or building.” (Ord. 467 § 2, 1984).

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