



County of Lassen
Department of Planning and Building Services

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

January 29, 2020

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

TO: Lassen County Board of Supervisors
Agenda Date: February 11, 2020

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director 

SUBJECT: Request on behalf of the Department of Planning and Building Services to waive the application fee and appropriate CEQA fee listed under Section 16.42.040 of the Lassen County Code (Modification of Subdivision Maps) for modification of one of the notes shown on Parcel Map No. 2005-046.

RECOMMENDATION: That the Board:

Consider the request and either:

- 1) Waive the \$610 maximum application fee for modification of said Parcel Map No. 2005-046 and waive the \$500 fee for a CEQA Notice of Exemption; or
- 2) Deny the request for waiver of the fees.

SUMMARY

The Department of Planning and Building Services has received a request from the current property owners of one of the parcels shown on Parcel Map No. 2005-046 to remove a certain note that is shown on the record map. This parcel map was filed on May 11, 2006, in Book 40 of Maps, Pages 79-80, of the Official Records of Lassen County, California. The subject note is shown on Sheet Two of the map and addresses drinking water quality and requires future water sampling/testing for the parcel(s) shown on said Parcel Map No. 2005-046.

The Department investigated the history of how the note originally came to be placed on the map and discovered that it was added at the request of the Environmental Health Department shortly before the map was filed in the Official Records of Lassen County. Unfortunately, this was done approximately six months *after* the property owner had signed the map and long *after* the property owner's appeal period of the Planning Commission's approval had expired (which was ten days). It was also discovered that the note was *not* one of the fourteen (14) conditions of approval required by Resolution No. 11-03-05, as the same was adopted by the Lassen County Planning Commission on November 2, 2005.

Certainly, water quality is an issue which *could* have been addressed by the Environmental Health Department *prior* to adoption of the Planning Commission's resolution. The placement of the note on the map long *after* the property owner had signed it and long *after* the Technical Advisory Committee and Planning Commission had reviewed and approved the project did not provide the property owner with *any* opportunity to appeal the condition. It was simply mandated by the County and placed on the map.

This note can be “removed” from the parcel map by completing a process known as modification. This is authorized by Section 66472.1 of the Subdivision Map Act and by Section 16.44.010(7) of the Lassen County Code. Although it is physically impossible to “remove” something from the face of a document once it has been recorded, a Certificate of Correction can be filed in the Official Records which states that the original document is being revised.

Section 16.42.040 of the Lassen County Code requires that “*an appropriate CEQA fee and an application fee based on actual processing cost up to six hundred ten dollars...*” be submitted when a person is seeking to modify a condition of approval on an approved map. Due to the circumstances of how the subject note was placed on Parcel Map No. 2005-046, this Department recommends that the above mentioned fees be waived. No additional environmental review would be needed to complete a modification, therefore a CEQA Notice of Exemption (which has a \$500 fee) could be filed.

Section 3.18.100 of the Lassen County Code provides that the Board of Supervisors may “*waive or refund any fee set forth in [Title 3 of the Lassen County Code]...upon presentation of evidence that an exceptional circumstance exists.*” The Department finds that the circumstances of how this note was placed on Parcel Map No. 2005-046 warrant a waiving of the fees because the note was added by the County completely unbeknownst to the property owner.

MLA:dw *dw*

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 \$ 1110⁰⁰ required for the following application(s): Modification of Parcel Map No. 2005-046 (up to \$610⁰⁰ for the application fee and \$500⁰⁰ for a CEQA Notice of Exemption).
- ☐ Refund of fees in the amount of \$ _____ submitted on _____ (date) for the following application(s): _____

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

The note addressing drinking water quality and requiring future water sampling/testing, as the same is shown on Parcel Map No. 2005-046 (4D Maps 79-80), was inappropriately placed on the map just prior to recordation.

Applicant (Please Print) _____

Mailing Address _____

City/State/Zip _____

Phone number _____

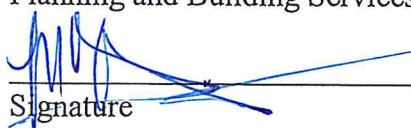
THIS REQUEST SUBMITTED BY:

☐ Applicant

Signature _____

Date _____

☒ Planning and Building Services Director on behalf of applicant


Signature _____

1-30-20
Date _____