

ORDINANCE NO. 2019-10

Ordinance revising Lassen County Code Section 3.18.020 (Planning Department Fees), adding Section 3.18.130 (Surveyor Fees) and revising Section 3.18.100 (Waiver or Refund of Fees).


The following ordinance, consisting of nine 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 10th day of December, 2019, by the following vote:

AYES: Supervisors Gallagher, Teeter, Albaugh and Hammond.

NOES: Supervisor Hemphill.

ABSTAIN: None.

ABSENT: None.



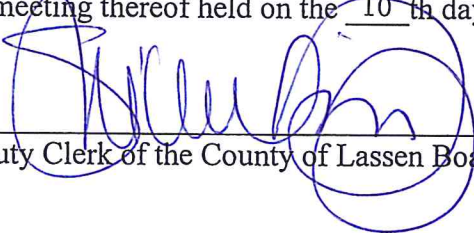
Chairman of the Board of Supervisors,
County of Lassen, State of California

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 10th day of December, 2019.



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 after 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: The County of Lassen provides certain services which primarily benefit individual property owners. Applications are required for said services as authorized or required by the Police Powers of the State Constitution (Article 11, section 7), by various State Statutes and Regulations, and other applicable requirements.

SECTION THREE: The County Department of Planning and Building Services has calculated an average cost for providing these services and determined that certain fees, rates and charges must be adjusted to an amount reasonably necessary to recover a portion of the County's cost of providing said services or products.

SECTION FOUR: The County Department of Planning and Building Services presented its analysis and calculations to the Budget Committee at its August 26, 2019 meeting.

SECTION FIVE: The Board of Supervisors finds that it is in the public interest for the County to continue to provide these services, that the proposed fees, rates and charges represent the reasonable cost of providing the services, and thus such fees, rates and charges comply with all legal requirements of section 66014 of the California Government Code.

SECTION SIX: Section 3.18.020 of the Lassen County Code is hereby repealed and replaced with the following:

3.18.020 Planning Fees

- a) Planning fees shall be as follows (these fees do not include applicable fees charged by other County Departments):

APPLICATION	FEE	DETAILS
Use Permit, Class 1	\$742	Includes signs and single family residential structures or as specifically indicated.
Use Permit, Class 2	\$1,350	All other uses requiring a use permit which are not classified as a Class 1 or a Class 3.
Use Permit, Class 3	\$1,350	Includes: A. power projects: to be applied to use permit applications 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

		<p>energy resource by any means for sale or use other than use strictly by the applicant. Also applies to transmission facilities including power lines and pipelines.</p> <p>B. 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.</p> <p>C. Cannabis dispensary and testing use permit application pursuant to section 18.108.045 and 18.108.046.</p> <p>In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.</p>
Subdivision	\$1,750 Plus \$56 per lot	Five or more parcels.
Parcel Map	\$1,600	Four or fewer parcels, not including any remainder.
Lot Line Adjustment/Merger	\$500	Four or fewer existing adjoining parcels.
Rezone	\$1,350	
Agricultural Preserve Contract	\$1,350	
Initial Study, Class I	\$2,000	A Class I negative declaration (ND) results from a routine initial study in which no or few mitigation measures are applied.
Initial Study, Class II	\$2,000	<p>A Class II ND results from an initial study process that identifies potential significant mitigation measures. An initial study process that results in a determination that an Environmental Impact Report is required is also a Class II initial study.</p> <p>The upgrading of an initial study from a Class I to a Class II is to be determined by the planning director during the environmental review process.</p> <p>In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.</p>
Preliminary Review	\$500	
Appeal to Planning Commission	\$500	
Appeal to Board of Supervisors	\$500	

Design Review	\$130	
Variance, Zoning	\$1,350	
Variance, Fire Safe	\$571	
Planned Development	\$1,750	In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.
General Plan Amendment	\$1,750	In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.
Environmental Impact Report	\$2,619	In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.
Specific Plan	\$2,619	In addition to the application fee the cost also includes either: (1) A preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) An administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.
Certificate of Conditional Use	\$130	
Notice of Exemption	\$500	Pursuant to the California Environmental Quality Act.
Authorization to Operate	\$200	
Hemp Authorization To Operate	\$200	
Groundwater Exportation (1)	\$500	Agricultural use or domestic service with one connection
Groundwater Exportation (2)	\$1,350	Domestic service with two or more connections
Appeal to Hearing Officer	\$500	Pursuant to Title 12 or Chapter 1.18
Extension Request	\$238	

- b) A funding agreement between Lassen County and the Applicant is required if an outside consultant will be utilized in any capacity (to prepare the document or provide third party review of any document prepared by the applicant's consultant). Until said contract is executed between the applicant and the County and also until a separate contract is executed between Lassen County and the selected consultant, any timelines associated with the project shall be suspended.

The Planning and Building Services Department Director shall be responsible for the selection of any consultant.

SECTION SEVEN: Add Section 3.18.130 to the Lassen County Code, to read as follows:

3.18.130 Surveyor Fees

- a) County Surveyor fees shall be as follows:
 - i) Record of Survey Review \$300
 - ii) Parcel Map Review \$400
 - iii) Subdivision (Final Map) Review \$500
 - iv) Lot Line Adjustment/Merger Review \$250
 - v) Certificate of Compliance \$600
- b) If, during review of a certificate of compliance application, it is determined that the subject property complies with the provisions of Title 16 and the Subdivision Map Act, the Lassen County Surveyor shall cause a certificate of compliance to be recorded in accordance with said Title and Act, and the Planning Director shall cause \$300 of the application fee described in subsection "a" to be refunded to the applicant since it is not necessary to establish conditions for the certificate of compliance.

SECTION EIGHT: Section 3.18.100 of the Lassen County Code is hereby repealed and replaced with the following:

3.18.100 Waiver or Refund of Fees

- a) The board of supervisors may waive or refund any fee paid to the county 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.
 - i. Fees which are erroneously collected by a department may be refunded without board of supervisors approval regardless of amount and without the requirement that a written request by the original applicant be submitted requesting a refund.
- b) Notwithstanding section 3.18.100(a), a department head may authorize a refund of a fee paid to the department under their authority, upon receipt of a written request by the original applicant, received not later than one year after the date of fee payment.
 - i. When refund of a fee is authorized by a department head, the authorized amount of the refund shall be based upon all costs

incurred by the county including fees paid or owed to be paid to a county vendor.

- ii. A department head shall not authorize a refund when the fee was paid is related to a violation or appeal or following the department's recommendation for a decision to be made on an application.
- iii. A refund in excess of the department head's purchasing authority must be approved by the Board of Supervisors prior to payment.

SECTION NINE: 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.