REZONING PROCESS

DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
(530) 251-8269 · (530) 251-8373 (fax)
www.co.lassen.ca.us

Zoning is generally the separation of a city or county into districts whereby the construction and use of buildings and structures can be regulated. By law, all counties in California must have an effective zoning ordinance that is consistent with its mandated General Plan (California Government Code Section 65800 et seq.). The effect of the zoning ordinance on real property can be changed by amendment thereto, which is a legislative act by the governing body (Board of Supervisors) requiring adoption of an amending ordinance. Prior to amending a zoning ordinance, however, there are certain mandated policy criteria which must be considered, to wit: (a) consistency with the General Plan, and applicable portions thereof; (b) consideration of the environmental effects of the proposed rezone, pursuant to the California Environmental Quality Act (CEQA); and (c) the impact of the proposed rezone upon the welfare of the enacting county and surrounding regions (i.e. the City of Susanville, the Bureau of Land Management, the US Forest Service, etc.). Following is a brief description of the Rezoning and General Plan amendment process in Lassen County.

APPLICATION

An application for a rezone begins with an Initial Study to determine the extent of impact, if any, that the proposed rezone would have on the environment. The applicant must submit a completed Initial Study (Appendix A) and Rezoning application to the Department of Planning and Building Services with the required fees. A plot plan and legal description of the property will be required as part of the application materials. The fees are $611.00 for the Initial Study, plus a separate check in the amount of $75.00 made payable to the California Archaeological Inventory Center (NOTE: Additional project review fees may be required by the California Archaeological Inventory Center), and $754.00 for the Rezoning application. All fees are for the processing of applications, and are non-refundable.

ENVIRONMENTAL REVIEW - PROCEDURE

In accordance with the California Environmental Quality Act (CEQA), most rezone applications considered by Lassen County must undergo an established environmental review procedure. All environmental issues must be resolved prior to consideration of the rezone itself.

In Lassen County, the Planning Director has been designated as the Environmental Review Officer (ERO) per Lassen County Resolution No. 86/87-69. The ERO conducts a preliminary review of all project applications to determine, within thirty (30) days of submittal, whether the application is complete and/or whether the proposed project is exempt from CEQA. Incomplete applications will be returned to the applicant with a written explanation. If an application has been accepted as complete, and is not found to be exempt from CEQA, an Initial Study is prepared. Based on a review of the Initial Study, the ERO will either make a determination as to the appropriate environmental document to be prepared or will refer the Initial Study to the Planning Commission (or Board of Supervisors when appropriate) for the purpose of making the environmental determination. The ERO, or the Planning Commission, will make one of the three following findings:

A. That the project could not have a significant effect on the environment, and a Negative Declaration should be prepared; or

B. That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Initial Study have been added to the project. Therefore, a Negative Declaration should be prepared; or

C. That the project may have a significant effect on the environment and an Environmental Impact Report (EIR) should be required.

The determination as to whether a Negative Declaration or EIR shall be prepared will be made within thirty (30) days of accepting the application as complete. The thirty (30) day time period may be extended fifteen (15) days upon mutual consent of the project applicant and the County office acting in behalf of the Lead Agency. A final Negative Declaration would need to be adopted within 180 days after the application has been accepted as complete. A final EIR would need to be certified by the Lead Agency within one year after the application has been accepted as complete. A more detailed explanation of the process involved in the preparation of these documents is available in another informational handout entitled Lassen County Environmental Review Guidelines - (Resolution No. 86/87-69.

PLANNING COMMISSION

In the case that the ERO has chosen to refer to the Planning Commission the decision as to whether a Negative Declaration or EIR should be prepared for the project, the Planning Commission will first make that determination. If the ERO has made a determination or recommendation, the Planning Commission shall consider that determination or recommendation in conjunction with comments from surrounding property owners and public agencies at a public hearing. When all identified environmental issues have been resolved, the actual rezone may be considered for approval. The Planning Commission considers the merits of the rezoning application at a public hearing and formulates a report and recommendation to be presented to the Board of Supervisors.

BOARD OF SUPERVISORS

The Board of Supervisors considers the rezone application at a public hearing following receipt of the Planning Commission report and recommendation. The Board of Supervisors may approve or deny rezone applications. In the case that the rezone application is approved, the Board adopts an ordinance enacting the rezone; the rezone will then become effective thirty (30) days after the ordinance is adopted.

Applicants should be aware that State Law (Government Code Section 65860) requires that a County's zoning be consistent with its General Plan (and any applicable Area Plan). Some projects involving a rezone, therefore, may also require an application to amend the General Plan. A request for a General Plan Amendment may be filed concurrently with a rezone application.

GENERAL PLAN AMENDMENTS

In Lassen County an application to amend the General Plan may be initiated with a letter to the Department of Planning and Building Services, which provides the following information:

1. Name of applicant.
2. Location of property, including a map clearly identifying the land to which the amendment would apply.
3. A clear and concise statement of the proposed amendment, including an explanation of how the proposed amendment would change existing policies and/or land use designations.

The application fee for a General Plan amendment is $913.00. General Plan amendments are subject to environmental review, pursuant to the California Environmental Quality Act (CEQA); therefore, General Plan amendments associated with other project applications (i.e., Rezones and/or Use Permits) should, where possible, be considered at the Initial Study stage of the associated application(s). The environmental review required by CEQA would then encompass the entire project, and a separate Initial Study for the General Plan amendment would not be necessary.

DEPARTMENT OF PLANNING AND BUILDING SERVICES CONSULTATION

Rezones and General Plan amendments can be complicated projects; therefore, it is recommended that applicants who are considering the rezoning of property and/or a General Plan amendment contact the Department of Planning and Building Services to discuss the various zoning classifications and their associated regulations as they relate to the proponent's desired land use.

If your project is approved by the County, a Notice of Determination (NOD) will be filed with the County Clerk by the Department of Planning and Building Services. The NOD starts a 30-day statute of limitations on any legal challenge to the project's environmental document. Prior to filing the NOD, Section 711.4 of the California Fish and Game Code requires that the County collect an environmental filing fee on behalf of the Department of Fish and Game. The fee varies according to the environmental document prepared for your project as indicated in the table below.

DEPARTMENT OF FISH AND WILDLIFE
ENVIRONMENTAL FILING FEES
(Fish and Game Code 711.4)

CEQA DOCUMENT	FEE (effective January 1, 2017)
Negative Declaration	$2,216.25
Mitigated Negative Declaration	$2,216.25
Environmental Impact Report	$3,078.25
County Clerk Processing Fee	$ 50.00

If you believe your project will have *no effect* on fish and wildlife, you may contact the California Department of Fish and Wildlife to discuss an exemption from the fees. For more information about the fees and possible exemption you should contact the Department of Fish and Wildlife directly at (530) 225-2300 or at the DFW Website at www.wildlife.ca.gov.

IMPORTANT NOTE: Even if your project is approved by the County, the project is not operative, vested, or final, and any local permits issued for the project are invalid if the fees are not paid.

It is important to recognize that these projects are discretionary (may be approved or denied at the discretion of the decision-making body) and that the required processing fees are non-refundable. The Department of Planning and Building Services would be happy to assist you through the Rezone and/or General Plan amendment process.

REZONE APPLICATION

FILING FEE: $754

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Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
This application consists of one page; only attach additional sheets if necessary. FILE NO. _____

Property Owner/s	**Property Owner/s**
Name:	Name:
Mailing Address:	Mailing Address:
City, ST, Zip:	City, ST, Zip:
Telephone: Fax:	Telephone: Fax:
Email:	Email:

Applicant/Authorized Representative*	**Agent (Land Surveyor/Engineer/Consultant)**
Same as above: ☐	Correspondence also sent to: ☐
Name:	Name:
Mailing Address:	Mailing Address:
City, ST, Zip:	City, ST, Zip:
Telephone: Fax:	Telephone: Fax:
Email:	Email: License #:

Project Address or Specific Location:			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning:		**General Plan Designation:**	
Parcel Size (acreage):		Section: Township:	Range:

Assessor's Parcel Number(s):	- -	- -	- -
- -	- -	- -	- -

Present Zoning:	**Proposed Zoning:**
General Plan Amendment Required: ☐ Yes ☐ No **General Plan Amendment Submitted:** ☐ Yes ☐ No ***Staff Initial:**	
Project Description:	

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	***SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE** (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
Date:	Date:
Date:	Date:

See associated process form for required attachments and instructions.