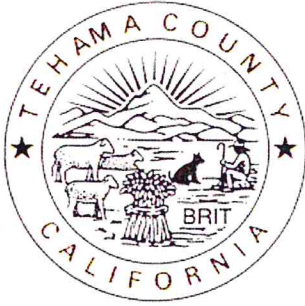


## ATTACHMENT C



# PLANNING DEPARTMENT COUNTY OF TEHAMA

Courthouse Annex, Room "I"  
444 Oak Street  
Red Bluff, California 96080  
530-527-2200 Telephone  
Email: [Planning@co.tehama.ca.us](mailto:Planning@co.tehama.ca.us)

Kristen Maze  
Planning Director

June 21, 2017

Jack Wilkinson  
851 Irwin Street  
San Rafael, CA 94901

Re: Revised Conditional Use Permit 96-18, Rolling Hills Ptnrs./ Marvin Lawrence

Dear Mr. Wilkinson,

It was a pleasure to meet you the other day, as I mentioned I have continued to research the activity of the revised use permit 96-18 for Rolling Hills Partners/Marvin Lawrence and the possibility of whether the conditional use permit (CUP) was fully established. In a recent meeting with County Counsel, the case law concerning the vesting issue was discussed and determine the following case authorities and excerpts support our position that the landowner does not have vested rights in the CUP despite their position that the ~\$60,000 spent in satisfying one of the conditions of the use permit in 2005 resulted in vested rights.

As the Court in *Avco Community Developers, Inc. v. South Coast Regional Com* (1976) 17 Cal. 3d 785 held, "[I]f a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit." To our knowledge, no improvements or other form of good faith efforts to complete the project have been undertaken since 12/31/05.

In the event rights did vest in 2005 with regard to conditional use permit 96-18, any such rights have since become null and void per Tehama County code section 17.70.050 subsections (b) and (c). The Court in *Community Development Commission of Mendocino County v. City of Fort Bragg* (1988) 204 Cal. App. 3d 1124 supported such automatic expiration provisions as they "...prevent the reservation of land for future purposes when the permittee has no good faith intent to presently commence upon the proposed use."

Furthermore, the County must apply its decisions uniformly. (*Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636.)

Again, it was nice to meet you and I am happy to discuss with you and the property owner the next steps to re-apply for a conditional use permit. If you have any further questions regarding this matter please do not hesitate to contact me.

I have copied this letter to the Board of Supervisors for their information purposes only.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Maze". The signature is written in black ink and is positioned above the printed name and title.

Kristen Maze  
Planning Director

CC: Tehama County Board of Supervisors  
County Counsel  
George Robson