

TABLE OF CONTENTS

PLANNING COMMISSION MEETING

November 5, 2019

FILE NUMBER:	UP #2019-005
PROPERTY OWNER:	Sylvia K. Bristow and Jon S. Ortega
APPLICANT:	Zayo Group, LLC
TYPE OF APPLICATION:	Use Permit

Staff Report.....	001
Draft Resolutions	005
Planning Memo from the October 3, 2019, Technical Advisory Committee meeting	011
Other Memos from the October 3, 2019, Technical Advisory Committee meeting.....	015
Hold Letter	018
Vicinity Map	023
Applications and Related Materials (including Plot Plan).....	024

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
November 5, 2019

FILE NUMBER:	Use Permit #2019-005
APPLICANT:	Zayo Group, LLC
PROPERTY OWNER	Sylvia K. Bristow and Jon S. Ortega
TYPE OF APPLICATION:	Use Permit
GENERAL LOCATION:	The project site is located at the intersection of U.S. Highway 395 and Herlong Access Road at 445-310 Herlong Access Road, near Herlong, CA
ASSESSOR'S PARCEL NUMBER:	APNs: 139-040-08
PROJECT SITE ZONING:	C-H (Highway Commercial District)
GENERAL PLAN:	"Intensive Agriculture" land use designation in the <i>Lassen County General Plan, 2000</i>
ENVIRONMENTAL DOCUMENT:	Exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines
ASSIGNED STAFF:	Stefano Richichi, Associate Planner

AUTHORITY FOR APPLICATION:

Use Permit Provision, Lassen County Code Section 18.112 et seq. established regulations.
General Provisions, Uses Allowed by Use Permit, Lassen County Code Section 18.102.020

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Use Permit
Planning and Building Services	Building Permit/ Authorization to Operate

PROJECT DESCRIPTION: The applicant is proposing to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence.

PROJECT SITE CHARACTERISTICS: The project site is located at the intersection of U.S. Highway 395 and Herlong Access Road at 445-310 Herlong Access Road, near Herlong, CA, and is currently unimproved. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency.

ACCESS/REQUIREMENTS: Access to the project site is from Herlong Access Road, County Road 359 (A-25), which is in the County Maintained Road System.

ZONING: The subject parcel is zoned C-H (Highway Commercial District). According to Lassen County Code Section 18.102.020(b)(2), nonpublic utility lines for transmission or distribution of electricity...telephone, television, or other utility may be permitted in all districts; provided that in any case necessitating right-of-way acquisition, a use permit shall be secured in each case prior to such acquisition.”

Although Lassen County does not have permitting authority over the proposed fiber-optic line in the U.S. 395 right-of-way, the proposed fiber-optic equipment shelter is accessory to said fiber-optic line. Furthermore, because said line will be placed in the right-of-way, it “necessitates right-of-way acquisition” for the purposes of the Lassen County Code. Because said fiber-optic line, if Lassen County did have permitting authority over said line, would require a use permit application, and the equipment shelter is allowed only as accessory to said line, the proposed equipment shelter also requires a use permit.

SURROUNDING PROPERTY CHARACTERISTICS: Immediately surrounding parcels are zoned A-1 (General Agricultural District) and are unimproved. Development nearest to the subject parcel includes “The Mark” gas station and approximately 15-20 residences along U.S. Highway 395, approximately 2,000 feet northwest of the subject parcel. See the zoning for immediately surrounding parcels as illustrated in Table 1 below:

	Zoning* (see notes at bottom)	Parcel Size (acres)	Land Use Designation (<i>Lassen County General Plan, 2000</i>)
Northeast	A-1	72	“Intensive Agriculture”
Northwest	A-1	40	“Intensive Agriculture”
South	A-1	38	“Intensive Agriculture”
Southeast	A-1	179	“Intensive Agriculture”

A-1 (General Agricultural District)

GENERAL PLAN: The subject parcel has an “Intensive Agriculture” land use designation in the *Lassen County General Plan, 2000*. See the related goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000* attached with the memorandum to the Technical Advisory Committee in this packet for more information.

The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000* (and the other above plans), unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

LOCAL GOVERNMENTAL SERVICES:

- Fire protection service is provided by the Milford Fire Protection District
- Police protection is provided by the Lassen County Sheriff’s Department

LASSEN COUNTY CODE: Lassen County Code Section 18.112.035 et seq. grants the Planning Commission the authority to approve, conditionally approve, or deny use permit applications in accordance with the findings set forth at Lassen County Code Section 18.112.100, found below:

18.112.035 Planning commission review of applications.

(b) If a use permit application is to be considered without a related general plan amendment and/or rezone application as described above, the planning commission shall have the authority to approve, conditionally approve or deny the use permit application, subject to the appeal provisions of this chapter. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).

18.112.100 Mandatory findings.

The following findings shall be made by the planning commission or board of supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit application:

- (1) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.*
- (2) That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan. (Ord. 467-H § 2, 1991).*

ENVIRONMENTAL DOCUMENT and PUBLIC COMMENTS: The Environmental Review Officer (ERO) of Lassen County has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on October 3, 2019 and has developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the attached memos to the TAC. In addition, the recommended conditions can be found in Exhibit “A” of a draft resolution of approval that is included in this packet.

Of particular note is Condition 3, which requires that the applicant demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter. Caltrans has authority over U.S. Highway 395 and its right-of-way; this condition has been included because the proposed equipment shelter is allowed by use permit only as accessory to said fiber-optic line.

TECHNICAL ADVISORY COMMITTEE
RECOMMENDED FINDINGS AND CONDITIONS

October 3, 2019

Use Permit File #2019-005, Zayo Group, LLC (Sylvia K. Bristow and Jon S. Ortega)

Use Permits:

- ☒ County Planning Director
- ☒ County Public Works Director (present, provided findings and conditions)
- ☒ County Surveyor (present, provided findings but no conditions)
- ☐ County Sanitarian (not present, no findings or conditions)
- ☐ County Fire Warden (not present, no findings or conditions)
- ☐ County Assessor (present, no findings or conditions)

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
USE PERMIT 2019-005, ZAYO GROUP, LLC (SYLVIA K. BRISTOW AND JON S.
ORTEGA)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on November 5, 2019, has considered Use Permit #2019-005, filed by Zayo Group, LLC, to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The project site is located at the intersection of U.S. Highway 395 and Herlong Access Road at 445-310 Herlong Access Road, near Herlong, CA (APN 139-040-08); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer has determined proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed project is consistent with the *Lassen County General Plan, 2000*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
 - b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee findings dated September 19, 2019, and contained in the Planning Commission staff report.
4. The Lassen County Planning Commission hereby approves Use Permit Application #2019-005, filed by Zayo Group, LLC, subject to the conditions of approval set forth as Exhibit "A" attached hereto.

RESOLUTION NO. _____

Page 2 of 4

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

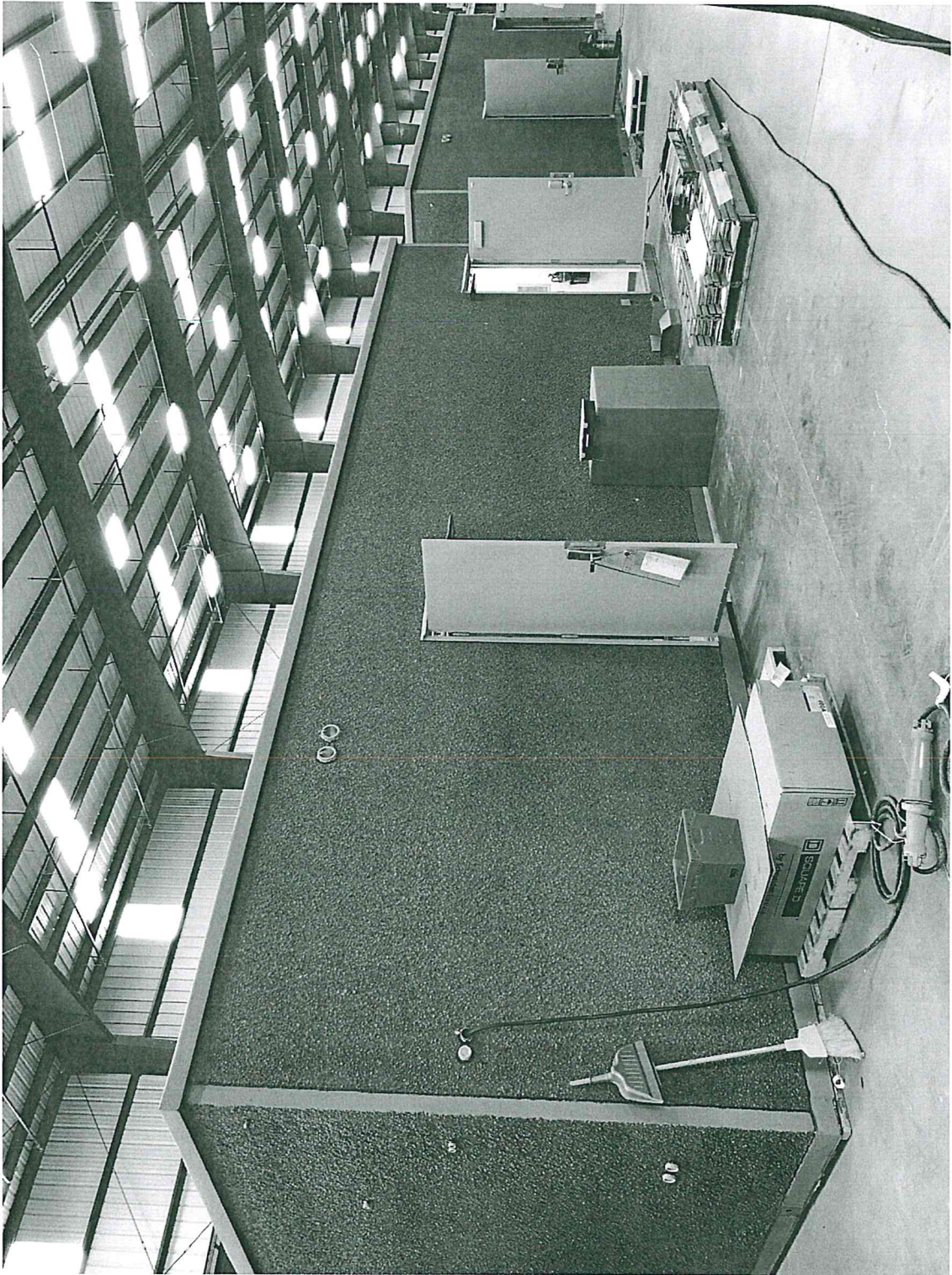
ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
USE PERMIT #2019-005

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant must demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter.
4. The applicant must maintain the original appearance of the equipment shelter as shown on the submitted elevations and pictures. See Exhibit "B" for reference.
5. The applicant must obtain an encroachment permit from the Lassen County Public Works Department/Road Division for access off Herlong Access Road, County Road 359 (A-25).

EXHIBIT "B"



RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION DISAPPROVING
USE PERMIT 2019-005, ZAYO GROUP, LLC (SYLVIA K. BRISTOW AND JON S.
ORTEGA)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on November 5, 2019, has considered Use Permit #2019-005, filed by Zayo Group, LLC, to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The project site is located at the intersection of U.S. Highway 395 and Herlong Access Road at 445-310 Herlong Access Road, near Herlong, CA (APN 139-040-08); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the California Environmental Quality Act does not apply to projects that are disapproved, pursuant to Section 15270 of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed project is not consistent with the *Lassen County General Plan, 2000*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
 - b. That the project, as conditioned, will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee findings dated September 19, 2019, and contained in the Planning Commission staff report.
4. The Lassen County Planning Commission hereby disapproves Use Permit Application #2019-005, filed by Zayo Group, LLC.

RESOLUTION NO. _____
Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

September 19, 2019

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: Technical Advisory Committee
Agenda Date: October 3, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: **USE PERMIT #2019-005, Zayo Group, LLC (Sylvia K. Bristow and Jon S. Ortega).** Proposal to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines. The subject parcel is zoned C-H (Highway Commercial District) and has an "Intensive Agriculture" land use designation in the *Lassen County General Plan, 2000*. The project site is located at the intersection of U.S. Highway 395 and Herlong Access Road at 445-310 Herlong Access Road, near Herlong, CA. APN: 139-040-08. Staff Contact: Stefano Richichi, Associate Planner

The Planning Division of the Lassen County Department of Planning and Building Services finds as follows:

1. The subject parcel is zoned C-H (Highway Commercial District).
2. The subject parcel has an "Intensive Agriculture" land use designation in the *Lassen County General Plan, 2000*.
3. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
4. The subject parcel is in a "Scenic Highway Corridor" per the *Lassen County General Plan, 2000*.
5. The applicant is proposing to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395.
6. According to Lassen County Code Section 18.102.020(b)(2), nonpublic utility lines for transmission or distribution of electricity...telephone, television, or other utility may be permitted in all districts; provided that in any case necessitating right-of-way acquisition, a use permit shall be secured in each case prior to such acquisition."

7. Although Lassen County does not have permitting authority over the proposed fiber-optic line in the U.S. 395 right-of-way, the proposed fiber-optic equipment shelter is accessory to said fiber-optic line. Furthermore, because said line will be placed in the right-of-way, it "necessitates right-of-way acquisition" for the purposes of the Lassen County Code. Because said fiber-optic line, if Lassen County did have permitting authority over said line, would require a use permit application, and the equipment shelter is allowed only as accessory to said line, the proposed equipment shelter also requires a use permit.
8. Lassen County Code Section 18.28.060 states that all development in the C-H district shall be subject to design review. This use permit application also serves the purposes of design review.
9. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
10. The land use element of the *Lassen County General Plan, 2000* describes the "Intensive Agriculture" land use designation as follows:

Intensive Agriculture

The Intensive Agriculture designation identifies lands devoted to or having high suitability potential for the growing of crops and/or the raising of livestock on natural or improved pasture land. It requires the provision of parcel sizes large enough to support agricultural land use and production. Intensive Agriculture areas also provide a variety of open space resources including wildlife habitat and scenic resources.

This designation incorporates and generally replaces the land use term "Crop Land and Prime Grazing Land" used in the 1968 General Plan and in some area plans adopted since then. On the Land Use Map contained in this Land Use Element, areas indicated as "Intensive Agriculture" are intended to conform with areas designated in 1968 as Crop Land and Prime Grazing Land. Within certain area plans, more specific identification and designation of Intensive Agriculture areas may be made.

To the extent that residential uses are allowed, building intensity will generally not exceed .025 DUA. Population density will generally average .067 PPA. Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: "E-A" Exclusive Agriculture District; "A-3", Agricultural District; "U-C", Upland Conservation District; "U-C-2"; Upland Conservation/Resource Management District.

11. The following goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000*, also pertain to the proposal:

Designation of Land Uses

- *Implementation Measure LU-A: The County shall utilize the zoning provisions of the Lassen County Code to adopt and enforce corresponding zoning districts, and to consider the approval of related use permits and land divisions, which implement and are compatible with the policies, general land uses and programs specified in this Land Use Element and in area plans adopted as part of the General Plan.*
- *Implementation Measure LU-B: The County recognizes the need and legal requirements for making land use decisions which are consistent with the General Plan.*

1. ISSUE: Land Use Compatibility

- *GOAL L-4: Compatibility between land use types by providing for complementary mixtures and patterns of land uses.*
- *LU-6 POLICY: The County recognizes general plan land use designations and consistent zoning as the appropriate and primary tools for attempting to achieve and maintain compatibility of land uses within the context of the County's land use authority and local control.*

6. ISSUE: Commercial Land Uses

- *GOAL L-12: Increase community wealth and the provision of needed commercial services through economic growth and diversification by sustaining and facilitating the expansion of existing commercial operations and by encouraging new commercial ventures.*

Scenic Corridor

- *Scenic Corridors identify areas bordering major highways which have significant or sensitive scenic values due to the existence of significant features and the level of public exposure to those areas. This designation always overlays a primary land use designation. Although special standards may apply to development within such corridors (e.g. design review criteria), uses allowed and corresponding zoning and development standards, including building intensity and population density, area factors of the primary land use designations.*

12. The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

The Planning Division of the Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant must demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter.
4. The applicant must maintain the original appearance of the equipment shelter as shown on the submitted elevations and pictures.

DEPARTMENT of PUBLIC WORKS

County of Lassen



LARRY MILLAR, Director
Public Works/Road/Transportation
County Engineer

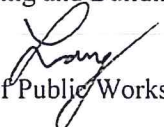
707 Nevada Street, Suite 4
Susanville, CA 96130

☎ 530) 251-8288
FAX: (530) 251-2675

TAC
2019/256

September 27, 2019

TO: County Planning and Building Services

FROM: Larry Millar 
Department of Public Works, Road Department

SUBJECT: Use Permit 2019-005 Zayo Group, LLC (Sylvia K. Bristow and Jon S. Ortega)
Technical Advisory Meeting, October 3, 2019

FINDINGS: Access to the parcel is from Herlong Access Road, County Road 359 (A-25),
which is in the County Maintained Road System.

CONDITIONS: Obtain an encroachment permit from the Lassen County Public Works
Department/Road Division for access off Herlong Access Road, County
Road 359 (A-25).



County of Lassen
Department of Planning and Building Services

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

September 20, 2019

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: Technical Advisory Committee
Agenda Date: October 3, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit No. 2019-005 – Zayo Group, LLC (applicant)
Sylvia K. Bristow & Jon S. Ortega (owners)
Assessor's Parcel Number: 139-040-08.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The subject property is currently owned by Sylvia Kathryn Bristow and Jon Steven Ortega, each with a fifty percent interest, as shown per an *Order Settling First and Final Report of Administrator and Petition for Settlement Thereof, Petition for Statutory Attorney's Fees; and Petition for Distribution*, recorded on December 12, 2016, as Document Number 2016-05738 of the Official Records of Lassen County, California. This property is further known as Assessor's Parcel Number 139-040-08 and is located in portions of Sections 11 and 12, Township 26 North, Range 15 East, Mount Diablo Base and Meridian.
2. The legal description for the property noted in Findings Item Number One above describes two separate parcels, both of which are described by metes and bounds descriptions. The first parcel is a 1.02 acre parcel which was traced to a deed recorded on July 25, 1950 in Book 62, Page 222, of the Official Records of Lassen County. This parcel is also shown on a "Map of Survey" filed on August 29, 1950, in Book 2 of Maps, Page 63, of the Official Records of Lassen County. The second parcel is a smaller parcel which was abandoned by the County of Lassen because it was deemed "not essential for County road purposes". The Board of Supervisors' Resolution which authorized the transfer of land back to private ownership was recorded on June 22, 1956, in Book 121, Page 209, of the Official Records of Lassen County. The Grant Deed which conveyed ownership from the County to private ownership was recorded on the same date in Book 121, Page 210, of the Official Records of Lassen County.
3. The subject parcels described in Findings Item Number Two above were created in compliance with the Subdivision Map Act and local ordinances because they were each separately conveyed by deeds which were recorded prior to March 4, 1972. Although parcel creation is no longer allowed by the recordation of a deed, unless completed by a governmental entity, it was an allowable activity under the law prior to this cutoff date.

4. The subject parcels both abut U.S. Highway 395 and Herlong Access Road, County Road No. 359, which is in the County maintained road system.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS
FOR USE PERMIT NO. 2019-005 (ZAYO GROUP, LLC/SYLVIA K. BRISTOW AND
JON S. ORTEGA):**

1. None.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor



County of Lassen
Department of Planning and Building Services

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

June 3, 2019

Sylvia Bristow
8721 Cabra Court
Elk Grove, CA 95624

Rex Atkinson
8730 Powderhorn Way
Indianapolis, IN 46256

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

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Use Permit #2019-005 and Initial Study #2019-003, Bristow

This letter is to inform you that this Department has determined that the above-referenced applications are incomplete and is providing you an opportunity to submit supporting information necessary for this Department to accept said applications as complete, under Government Code Section 65943.

At this time, there are two (broad) items that must be addressed:

1. Authority for Application

It appears that Zayo Group, LLC (Zayo) is in fact the applicant for your applications, while Mr. Rex Atkinson would be the agent. Zayo holds the certificate of public convenience and necessity issued by the California Public Utilities Commission (CPUC), and it appears that CPUC has also prepared the environmental document required under the California Environmental Quality Act for Zayo; the submitted preliminary building plans are also in Zayo's name. Therefore, the application must be modified to show Zayo as the applicant, with Mr. Atkinson as the agent. An authorized Zayo representative must sign the application.

Furthermore, although Mr. Dave Snyder of Zayo has authorized Five Nine Design Group to apply on Zayo's behalf, it is unclear whether Mr. Snyder himself has the authority to do so. This Department has consulted both information from the California Secretary of State and the California Public Utilities Commission (see attached) in an attempt to demonstrate Mr. Snyder's authority, but has not found Mr. Snyder's name among the authorized contacts. Please submit documentation showing Mr. Snyder has the authority to authorize Five Nine Design Group to act on behalf of Zayo.

Lastly, while Mr. Atkinson has signed the above-referenced applications on behalf of Five Nine Design Group, this Department must know that Mr. Atkinson has the authority to apply on Five Nine Design Group's behalf. Please submit documentation stating as such.

In short, it appears that Zayo is in fact the applicant, while Mr. Atkinson is the agent for the above project; your application must be updated to reflect this. Additionally, please provide evidence to demonstrate that the above persons have the authority to sign and submit applications on behalf of their respective organizations.

2. Plot Plan

In addition, the map submitted with your application showing the proposed route of the fiber optic line is currently deficient. The map appears to have been copied from Google Maps; Lassen County Code Section 18.102.020(b)(2) requires that your use permit application be "accompanied by plans, showing on current [U.S. Geological Survey] Quadrangle or equivalent maps, the right-of-way route proposed" for the related fiber optic cable. For illustration, 7.5-minute quadrangle maps have a scale of 1:24,000. Please provide such maps depicting the proposed route of the fiber optic line to this Department.

Furthermore, your submitted materials do not show where the proposed fiber optic line connects from the U.S. Highway 395 right-of-way to your proposed equipment shelter. Please show this clearly in your resubmittal.

Again, this Department cannot accept your application as complete (as described at Government Code Section 65943) at this time until the above items are satisfied. In order to process your application properly, this Department needs as specific information as possible. Once the above is submitted and your application is accepted as complete, additional information and/or submittals may be required during the processing of your application.

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

Sincerely,



Maurice L. Anderson,
Director

MLA:smr

Enclosures: Statement of Information from California Secretary of State
Utility Contact System Search from California Public Utilities Commission

S:/PLA/Planning/2019/UP #2019-005, Bristow/Hold Letter



Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

19-A07842

FILED

In the office of the Secretary of State
of the State of California

JAN 07, 2019

This Space For Office Use Only

IMPORTANT — Read instructions **before** completing this form.

Filing Fee — \$20.00

Copy Fees — First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

ZAYO GROUP, LLC

2. 12-Digit Secretary of State File Number

201102810347

3. State, Foreign Country or Place of Organization (only if formed outside of California)

DELAWARE

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

b. Mailing Address of LLC, if different than item 4a

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box

City (no abbreviations)

State

CA

Zip Code

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b

Daniel

Middle Name

Last Name

Caruso

Suffix

b. Entity Name - Do not complete Item 5a

c. Address

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL — Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)

Middle Name

Last Name

Suffix

b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box

City (no abbreviations)

State

CA

Zip Code

CORPORATION — Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 6a or 6b

C T CORPORATION SYSTEM (C0168406)

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company

Telecom

8. Chief Executive Officer, if elected or appointed

a. First Name

Daniel

Middle Name

Last Name

Caruso

Suffix

b. Address

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

9. The Information contained herein, including any attachments, is true and correct.

01/07/2019

Charles Forst

Dir. Regulatory Reporting

Date

Type or Print Name of Person Completing the Form

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

19-A07842

A. Limited Liability Company Name

ZAYO GROUP, LLC

This Space For Office Use Only

B. 12-Digit Secretary of State File Number

201102810347

C. State or Place of Organization (only if formed outside of California)

DELAWARE

D. List of Additional Manager(s) or Member(s) - If the manager/member is an individual, enter the individual's name and address. If the manager/member is an entity, enter the entity's name and address. Note: The LLC cannot serve as its own manager or member.

[illegible]



Utility Contact System Search

The Utility Contact System (UCS) is the Communications Division's database for the primary regulatory contact for each telephone corporation operating in California. The Communications Division sends important regulatory notices to the regulatory contact for each telephone corporation via e-mail, so it is important for primary regulatory contacts to update their UCS record if their e-mail address changes.

Telephone corporations may update UCS contact information using the form on the following page: [Carrier Reporting Requirements](#)

A description of the different utility types (granted authorities) are listed on the following page: [Utility Type Descriptions](#)

Search Utility Name zayo

Search Utility Number

Utility Name	Alias (DBA Name)	Utility Number	Street Address	City A	State	Zip	Phone Number	Email	Utility Type	CPCN Approval Date
Zayo Group, LLC		6102	1621 18TH STREET	DENVER	CO	80202	(303) 854-5210	charles.forst@zayo.com	CLC	08-21-2008
Zayo Group, LLC		6102	1621 18TH STREET	DENVER	CO	80202	(303) 854-5210	charles.forst@zayo.com	IEC	08-21-2008
Zayo Group, LLC		6102	901 FRONT, STREET, SUITE 200	LOUISVILLE	CO	80027	(509) 661-2110	khedine@gohighspeed.com	IEC	08-21-2008
Zayo Group, LLC		6102	250 EAST PENNY ROAD	WENATCHEE	WA	98801	(509) 661-2110	gmcglynn@inti.us	IEC	08-21-2008
Zayo Group, LLC		6102	250 EAST PENNY ROAD	WENATCHEE	WA	98801	(509) 661-2110	gmcglynn@inti.us	CLC	08-21-2008

[Save Search Results as CSV Spreadsheet](#)

1 - 5

[Comments & Feedback](#)

Use Permit #2019-005, Zayo (Bristow)





USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381
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

RECEIVED

SEP 09 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

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. UP# 219-005

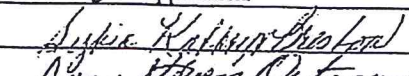
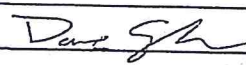
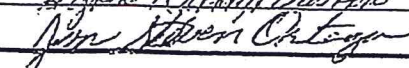
Property Owner/s	Property Owner/s
Name: Sylvia Kathryn Bristow	Name: Jon Steven Ortega
Mailing Address: 8721 Cabra Ct	Mailing Address: PO, Box 145
City, ST, Zip: Elk Grove, CA 95624	City, ST, Zip: Herlong, CA 96113
Telephone: 916-690-0457 Fax:	Telephone: 530-827-2074 Fax:
Email: kbristow2000@yahoo.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name: Zayo Group, LLC (Dave Snyder)	Name: Rex Atkinson
Mailing Address: 1621 18th Street	Mailing Address: 8730 Powderhorn Way
City, ST, Zip: Denver, CO 80202	City, ST, Zip: Indianapolis, IN 46256
Telephone: 720-495-4600 Fax:	Telephone: 812-987-5316 Fax: 833-348-3934
Email: Dave.Snyder@Zayo.com	Email: rex@five9dg.com License #:

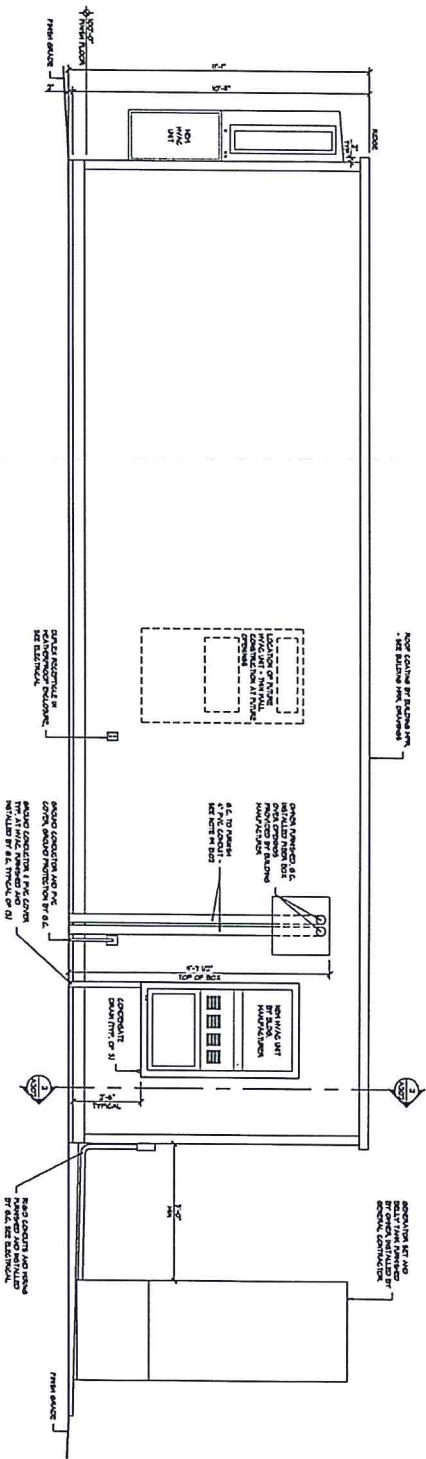
Project Address or Specific Location: 446310 Herlong Access Rd Milford, CA 96121			
Deed Reference: Book: 135	Page: 14	Year: 2016	Doc#: 2016-05738
Zoning: C-H Commercial Highway District		General Plan Designation: Agriculture	
Parcel Size (acreage): 1 Acre	Section: 12	Township: 26N	Range: 15E

Assessor's Parcel Number(s):	139 - 040 - 0811	- -	- -
- -	- -	- -	- -

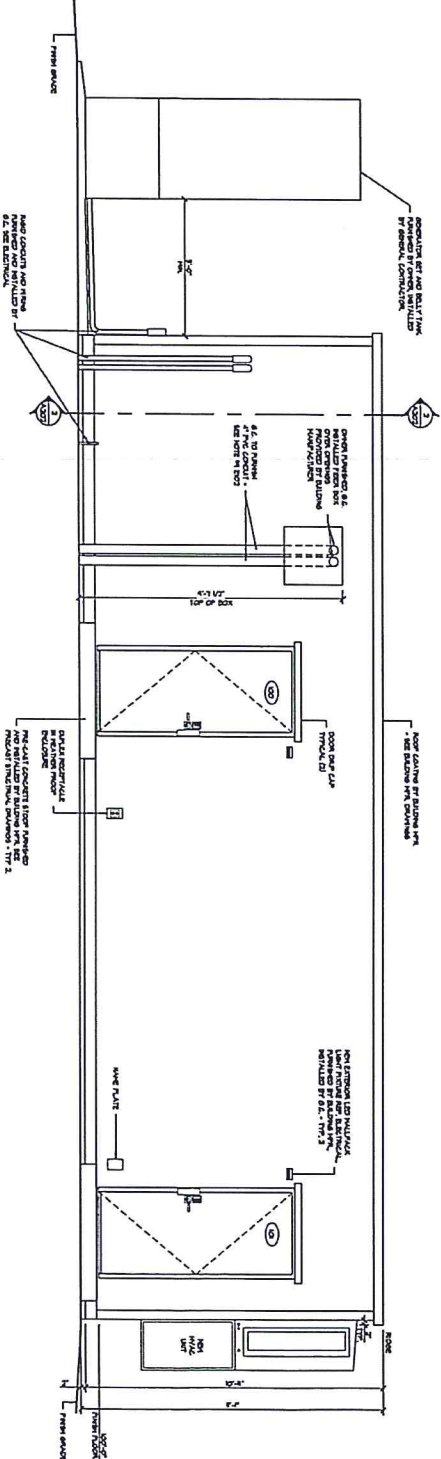
Project Description:
Unmanned, premanufactured, fiber-optic equipment shelter. The fiber-optic equipment shelter regenerates the signal for the proposed adjacent Zayo fiber-optic line. The shelter is serviced by a back-up generator and surrounded by a security fence.

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: 06/4/2019	 Date: 08/28/2019
 Date: 06/4/2019	Date:

See associated process form for required attachments and instructions.

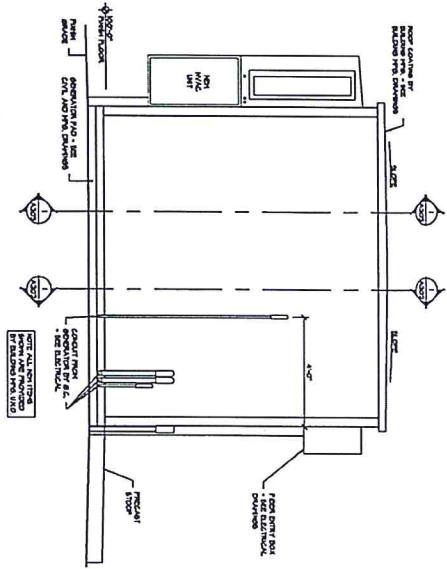


2 EXTERIOR ELEVATION
SCALE: 1/2" = 1'-0"

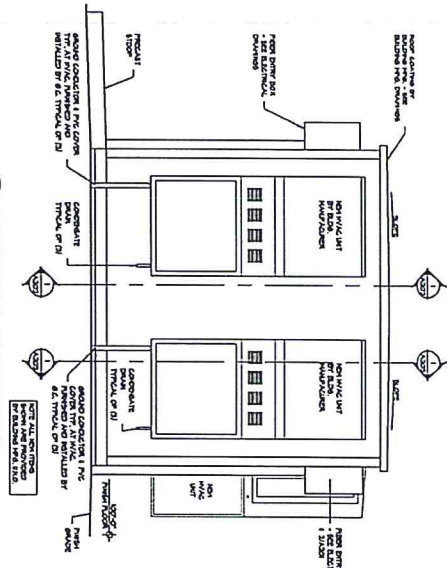


1 EXTERIOR ELEVATION
SCALE: 1/2" = 1'-0"

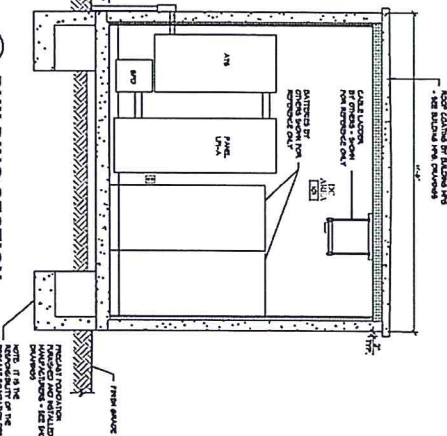
4 EXTERIOR ELEVATION
SCALE: 1/2" = 1'-0"



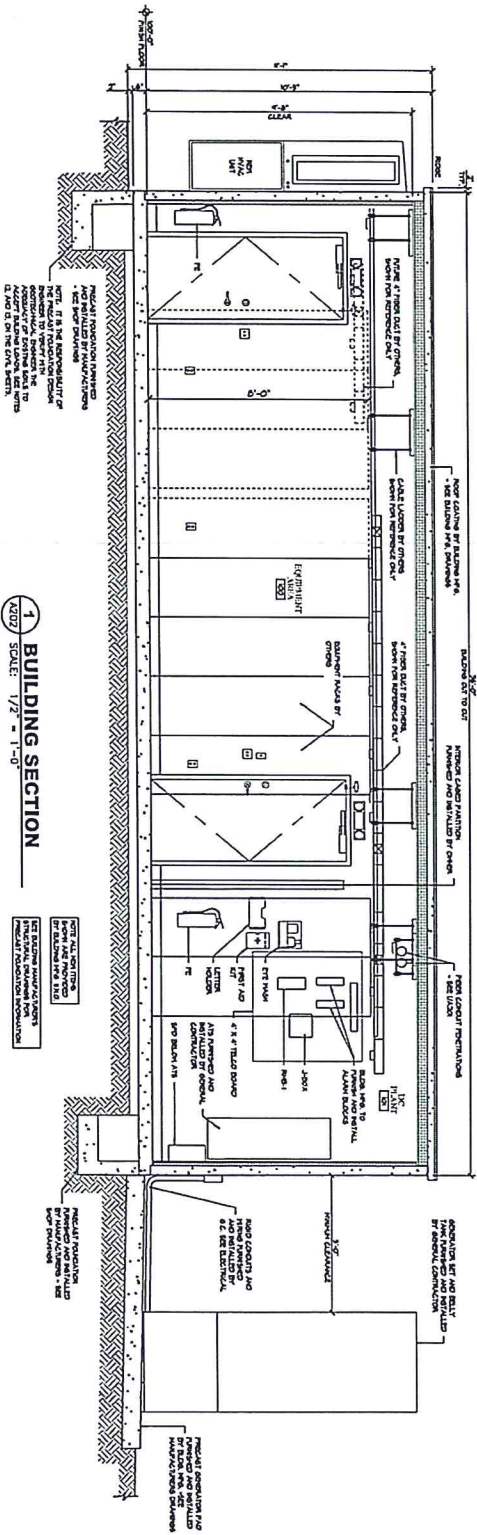
3 EXTERIOR ELEVATION
SCALE: 1/2" = 1'-0"



2 BUILDING SECTION
SCALE: 1/2" = 1'-0"
A202



1 BUILDING SECTION
SCALE: 1/2" = 1'-0"
A202

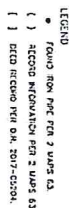


A202

SHEET NO. _____
 PROJECT MASTER
 C/O TALL
 Oakton Bn.
 DICKED Bn.
 SHEET MASTER
 1A203
 3 MAY 2006
 2006
 2006



445-310 HERLONG ACCESS ROAD
HERLONG, CA 96113



LEGAL DESCRIPTION

 NST Engineering, Inc.
3195 Riverside Drive
Menasha, WI 54950
(608) 437-9173
2018-015

[illegible]

1. DETERMINE THE TYPE OF SERVICE. Having set the level of analysis, the next step is to determine the type of service to be provided. This is done by considering the following factors:
 - a. The nature of the problem to be solved.
 - b. The resources available to the organization.
 - c. The time available to complete the project.
 - d. The complexity of the problem.
 - e. The importance of the problem.
2. IN THE EVENT OF A COMPLEX PROBLEM, IT IS ADVISABLE TO BREAK THE PROBLEM DOWN INTO SMALLER, MORE MANAGEABLE PARTS. THIS CAN BE DONE BY ASKING THE FOLLOWING QUESTIONS:
 - a. What are the main components of the problem?
 - b. How are these components related to each other?
 - c. What are the most critical components of the problem?
 - d. How can these critical components be addressed?
3. CONSIDER THE AVAILABLE RESOURCES. Once the problem has been broken down into smaller parts, the next step is to consider the resources available to the organization. This includes the following:
 - a. Human resources.
 - b. Financial resources.
 - c. Material resources.
 - d. Information resources.
4. ALL THESE FACTORS MUST BE TAKEN INTO ACCOUNT WHEN DEVELOPING A SOLUTION. THE SOLUTION SHOULD BE FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR.
5. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
6. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
7. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
8. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
9. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
10. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
11. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
12. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
13. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
14. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
15. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
16. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
17. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
18. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
19. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.
20. A SOLUTION SHOULD BE DEVELOPED THAT IS FEASIBLE, EFFECTIVE, AND EFFICIENT. IT SHOULD ALSO BE EASY TO IMPLEMENT AND MONITOR. THE FOLLOWING STEPS SHOULD BE FOLLOWED WHEN DEVELOPING A SOLUTION:
 - a. Identify the problem.
 - b. Break the problem down into smaller parts.
 - c. Consider the available resources.
 - d. Develop a solution.
 - e. Implement the solution.
 - f. Monitor the solution.



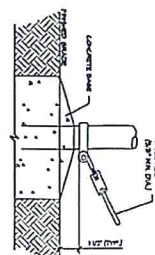
_____ DMC _____		1,2-DICHLOROETHANE	<input type="text"/>
_____ FTECH _____		1,1,2,2-TETRACHLOROETHANE	<input type="text"/>
_____ VDC _____		VINYLIDENE DICHLORIDE	<input type="text"/>

[illegible]

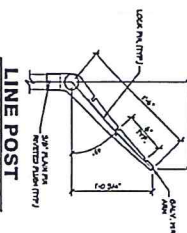
[illegible]

1. DEMONSTRATE THAT THE PROJECT IS SPECIFIC, FEASIBLE, AND BENEFICIAL TO THE COMMUNITY. THE STUDY OF THE PROJECT MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
2. IN THE EVENT OF AN EMERGENCY, A MEMBER MUST BE AVAILABLE TO PROVIDE ASSISTANCE TO THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
3. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
4. ALL STUDY RESULTS MUST BE REPORTED TO THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
5. STRIKE A BALANCE BETWEEN THE NEEDS OF THE COMMUNITY AND THE NEEDS OF THE STUDY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
6. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
7. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
8. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
9. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.
10. CONDUCT A STUDY OF THE PROJECT AND ITS EFFECTS ON THE COMMUNITY. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT. THE STUDY MUST BE CONDUCTED IN ACCORDANCE WITH THE RESEARCH DESIGN AND METHODOLOGY OF THE PROJECT.

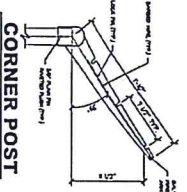




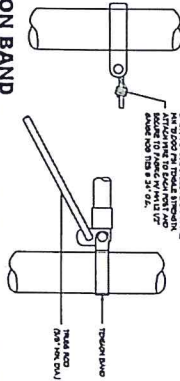
5 TRUSS ROD AND BAND
SCALE: 3" = 1'-0"



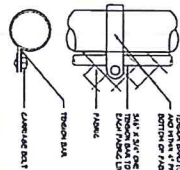
4 TRUSS ROD AND BAND
SCALE: 1 1/2" = 1'-0"



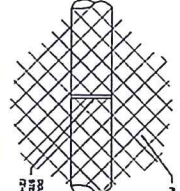
CORNER POST
SCALE: 1 1/2" = 1'-0"



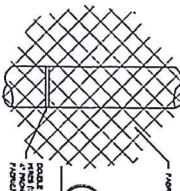
TENSION BAND AND WIRE DETAIL
SCALE: 3" = 1'-0"



END OR GATE POST DETAIL
SCALE: 3" = 1'-0"

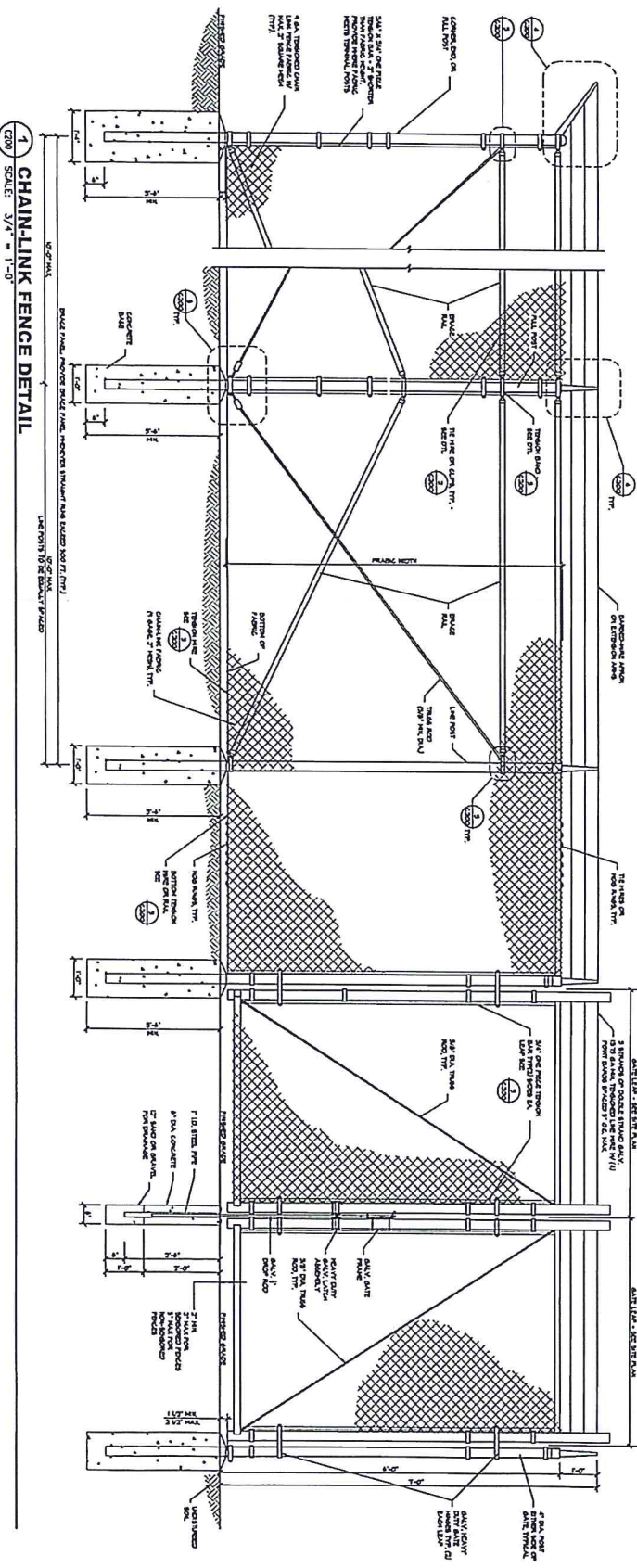


TOP/RACE RAIL ATTACHMENT
SCALE: 3" = 1'-0"



ROUND POST
SCALE: 3" = 1'-0"

L&D SECTION	5/8" DIA. POSTS			
	SECTION 1	SECTION 2	SECTION 3	SECTION 4
SECTION 1	SECTION 2	SECTION 3	SECTION 4	SECTION 5
SECTION 6	SECTION 7	SECTION 8	SECTION 9	SECTION 10
SECTION 11	SECTION 12	SECTION 13	SECTION 14	SECTION 15
SECTION 16	SECTION 17	SECTION 18	SECTION 19	SECTION 20
SECTION 21	SECTION 22	SECTION 23	SECTION 24	SECTION 25
SECTION 26	SECTION 27	SECTION 28	SECTION 29	SECTION 30
SECTION 31	SECTION 32	SECTION 33	SECTION 34	SECTION 35
SECTION 36	SECTION 37	SECTION 38	SECTION 39	SECTION 40
SECTION 41	SECTION 42	SECTION 43	SECTION 44	SECTION 45
SECTION 46	SECTION 47	SECTION 48	SECTION 49	SECTION 50
SECTION 51	SECTION 52	SECTION 53	SECTION 54	SECTION 55
SECTION 56	SECTION 57	SECTION 58	SECTION 59	SECTION 60
SECTION 61	SECTION 62	SECTION 63	SECTION 64	SECTION 65
SECTION 66	SECTION 67	SECTION 68	SECTION 69	SECTION 70
SECTION 71	SECTION 72	SECTION 73	SECTION 74	SECTION 75
SECTION 76	SECTION 77	SECTION 78	SECTION 79	SECTION 80
SECTION 81	SECTION 82	SECTION 83	SECTION 84	SECTION 85
SECTION 86	SECTION 87	SECTION 88	SECTION 89	SECTION 90
SECTION 91	SECTION 92	SECTION 93	SECTION 94	SECTION 95
SECTION 96	SECTION 97	SECTION 98	SECTION 99	SECTION 100



1 CHAIN-LINK FENCE DETAIL
SCALE: 3/4" = 1'-0"

FENCE DETAILS

PROJECT NUMBER: 10013

DATE: 10/1/10

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

SCALE: 3/4" = 1'-0"

C200

zayo

445-310 HERLONG ACCESS ROAD

HERLONG, CA 96113

HOCH

11701 LANTANA DRIVE, SUITE 100

HERLONG, CA 96113

TEL: 415-344-2314

FAX: 415-344-2314

FIVE NINE

DESIGN GROUP

11701 LANTANA DRIVE, SUITE 100

HERLONG, CA 96113

TEL: 415-344-2314

FAX: 415-344-2314

TABLE OF CONTENTS

PLANNING COMMISSION MEETING

November 5, 2019

FILE NUMBER:	UP #2019-004
PROPERTY OWNER:	Larry R. Williamson
APPLICANT:	Zayo Group, LLC
TYPE OF APPLICATION:	Use Permit

Staff Report	001
Draft Resolutions	005
Planning Memo from the October 3, 2019, Technical Advisory Committee meeting	011
Other Memos from the October 3, 2019, Technical Advisory Committee meeting.....	015
Hold Letter	018
Vicinity Map	023
Applications and Related Materials (including Plot Plan).....	024

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
November 5, 2019

FILE NUMBER: Use Permit #2019-004
APPLICANT: Zayo Group, LLC
PROPERTY OWNER: Larry R. Williamson
TYPE OF APPLICATION: Use Permit
GENERAL LOCATION: The project site is located approximately 4.5 miles southeast of Ravendale, CA but does not have an assigned address

ASSESSOR'S PARCEL NUMBER: 069-040-26
PROJECT SITE ZONING: U-C-2 (Upland Conservation/Resource Management District)
GENERAL PLAN: "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*
ENVIRONMENTAL DOCUMENT: Exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines
ASSIGNED STAFF: Stefano Richichi, Associate Planner

AUTHORITY FOR APPLICATION:

Use Permit Provision, Lassen County Code Section 18.112 et seq. established regulations.
General Provisions, Uses Allowed by Use Permit, Lassen County Code Section 18.102.020

REGULATING AGENCIES:

Agency

Planning Commission
Planning and Building Services

Identified Permits/Approvals

Use Permit
Building Permit/
Authorization to Operate

PROJECT DESCRIPTION: The applicant is proposing to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence.

PROJECT SITE CHARACTERISTICS: The project site is located approximately 4.5 miles southeast of Ravendale, CA but does not have an assigned address. The northwestern portion of the subject parcel is within a Zone A flood zone (1-percent-annual chance flood event); however, the project site is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).

ACCESS/REQUIREMENTS: Access to the project site is from U.S. Highway 395, which is not in the County Maintained Road System.

ZONING: The subject parcel is zoned U-C-2 (Upland Conservation/Resource Management District). According to Lassen County Code Section 18.102.020(b)(2), nonpublic utility lines for transmission

or distribution of electricity...telephone, television, or other utility may be permitted in all districts; provided that in any case necessitating right-of-way acquisition, a use permit shall be secured in each case prior to such acquisition.”

Although Lassen County does not have permitting authority over the proposed fiber-optic line in the U.S. 395 right-of-way, the proposed fiber-optic equipment shelter is accessory to said fiber-optic line. Furthermore, because said line will be placed in the right-of-way, it “necessitates right-of-way acquisition” for the purposes of the Lassen County Code. Because said fiber-optic line, if Lassen County did have permitting authority over said line, would require a use permit application, and the equipment shelter is allowed only as accessory to said line, the proposed equipment shelter also requires a use permit.

SURROUNDING PROPERTY CHARACTERISTICS: Immediately surrounding parcels are zoned U-C-2 ((Upland Conservation/Resource Management District), except for the parcel to the southeast of the subject parcel, which is zoned U-C-A-P (Upland Conservation District, Agricultural Preserve Combining District). Development nearest to the subject parcel includes “a residence to the north. Also of note is that the United States Department of the Interior’s Bureau of Land Management (BLM) manages land south (including the BLM’s Ravendale Fire Station), west, and northeast of the subject parcel. See the zoning for immediately surrounding parcels as illustrated in Table 1 below:

	Zoning* (see notes at bottom)	Parcel Size (acres)	Land Use Designation (<i>Lassen County General Plan, 2000</i>)
Northeast	A-1	121.61, 309.59	“Extensive Agriculture”
Northwest	A-1	256.37, 90.56	“Extensive Agriculture”
West	A-1	50.11, 453.57	“Extensive Agriculture”
Southeast	U-C-A-P	200	“Extensive Agriculture”

A-1 (General Agricultural District)

U-C-A-P (Upland Conservation District, Agricultural Preserve Combining District)

GENERAL PLAN: The subject parcel has an “Extensive Agriculture” land use designation in the *Lassen County General Plan, 2000*. See the related goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000* in the memorandum to the Technical Advisory Committee in this packet for more information.

The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000* (and the other above plans), unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

LOCAL GOVERNMENTAL SERVICES:

- Fire protection service is provided by CAL Fire
- Police protection is provided by the Lassen County Sheriff’s Department

LASSEN COUNTY CODE: Lassen County Code Section 18.112.035 et seq. grants the Planning Commission the authority to approve, conditionally approve, or deny use permit applications in accordance with the findings set forth at Lassen County Code Section 18.112.100, found below:

18.112.035 Planning commission review of applications.

(b) If a use permit application is to be considered without a related general plan amendment and/or rezone application as described above, the planning commission shall have the authority to approve, conditionally approve or deny the use permit application, subject to the appeal provisions of this chapter. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).

18.112.100 Mandatory findings.

The following findings shall be made by the planning commission or board of supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit application:

- (1) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.*
- (2) That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan. (Ord. 467-H § 2, 1991).*

ENVIRONMENTAL DOCUMENT and PUBLIC COMMENTS: The Environmental Review Officer (ERO) of Lassen County has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on October 3, 2019 and has developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the attached memos to the TAC. In addition, the recommended conditions can be found in Exhibit "A" of a draft resolution of approval that is included in this packet.

Of particular note is Condition 3, which requires that the applicant demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter. Caltrans has authority over U.S. Highway 395 and its right-of-way; this condition has been included because the proposed equipment shelter is allowed by use permit only as accessory to said fiber-optic line.

TECHNICAL ADVISORY COMMITTEE
RECOMMENDED FINDINGS AND CONDITIONS

October 3, 2019

Use Permit File #2019-004, Zayo Group, LLC (Larry R. Williamson)

Use Permits:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | County Planning Director |
| <input checked="" type="checkbox"/> | County Public Works Director (present, provided findings but no conditions) |
| <input checked="" type="checkbox"/> | County Surveyor (present, provided findings but no conditions) |
| <input type="checkbox"/> | County Sanitarian (not present, no findings or conditions) |
| <input type="checkbox"/> | County Fire Warden (not present, no findings or conditions) |
| <input type="checkbox"/> | County Assessor (present, no findings or conditions) |

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
USE PERMIT 2019-004, ZAYO GROUP, LLC (LARRY R. WILLIAMSON)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on November 5, 2019, has considered Use Permit #2019-004, filed by Zayo Group, LLC, to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The project site is located approximately 4.5 miles southeast of Ravendale, CA but does not have an assigned address (APN 069-040-26); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer has determined proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed project is consistent with the *Lassen County General Plan, 2000*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
 - b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee findings dated September 19, 2019, and contained in the Planning Commission staff report.
4. The Lassen County Planning Commission hereby approves Use Permit Application #2019-004, filed by Zayo Group, LLC, subject to the conditions of approval set forth as Exhibit "A" attached hereto.

RESOLUTION NO. _____

Page 2 of 4

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

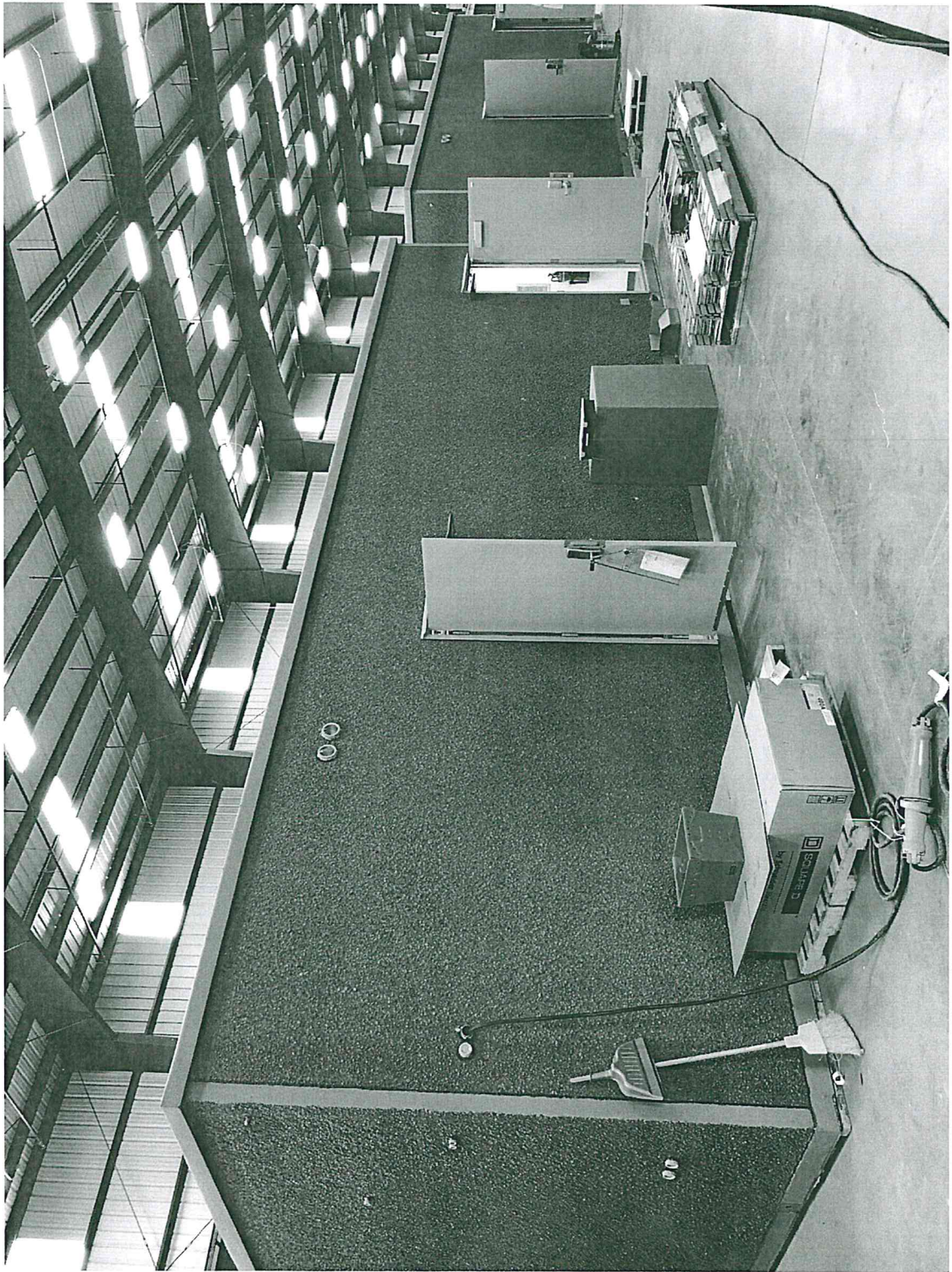
ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
USE PERMIT #2019-004

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission. See Exhibit "B" for reference.
3. The applicant must demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter.
4. The applicant must maintain the original appearance of the equipment shelter as shown on the submitted elevations and pictures.

EXHIBIT "B"



RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION DISAPPROVING
USE PERMIT 2019-004, ZAYO GROUP, LLC (LARRY R. WILLIAMSON)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on November 5, 2019, has considered Use Permit #2019-004, filed by Zayo Group, LLC, to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The project site is located approximately 4.5 miles southeast of Ravendale, CA but does not have an assigned address (APN 069-040-26); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the California Environmental Quality Act does not apply to projects that are disapproved, pursuant to Section 15270 of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed project is not consistent with the *Lassen County General Plan, 2000*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
 - b. That the project, as conditioned, will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee findings dated September 19, 2019, and contained in the Planning Commission staff report.
4. The Lassen County Planning Commission hereby disapproves Use Permit Application #2019-004, filed by Zayo Group, LLC.

RESOLUTION NO. _____

Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission



County of Lassen
Department of Planning and Building Services

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

September 19, 2019

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: Technical Advisory Committee
Agenda Date: October 3, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: **USE PERMIT #2019-004, Zayo Group, LLC (Larry R. Williamson).** Proposal to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395. The fiber-optic equipment shelter regenerates the signal of said adjacent fiber-optic line and will be serviced by a back-up generator and surrounded by a security chain-link fence. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the 2019 CEQA Guidelines. The subject parcel is zoned U-C-2 (Upland Conservation/Resource Management District) and has an "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*. The project site is located approximately 4.5 miles southeast of Ravendale, CA but does not have an assigned address. APN: 069-040-26. Staff Contact: Stefano Richichi, Associate Planner

The Planning Division of the Lassen County Department of Planning and Building Services finds as follows:

1. The subject parcel is zoned U-C-2 (Upland Conservation/Resource Management District).
2. The subject parcel has an "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*.
3. The northwestern portion of the subject parcel is within a Zone A flood zone (1-percent-annual chance flood event); however, the project site is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
4. The subject parcel is in a "Scenic Highway Corridor" per the *Lassen County General Plan, 2000*.
5. The applicant is proposing to construct a 420-square-foot fiber-optic equipment shelter that is accessory to a proposed fiber optic line to be placed within the right-of-way of U.S. Highway 395.
6. According to Lassen County Code Section 18.102.020(b)(2), nonpublic utility lines for transmission or distribution of electricity...telephone, television, or other utility may be permitted in all districts; provided that in any case necessitating right-of-way acquisition, a use permit shall be secured in each case prior to such acquisition."

7. Although Lassen County does not have permitting authority over the proposed fiber-optic line in the U.S. 395 right-of-way, the proposed fiber-optic equipment shelter is accessory to said fiber-optic line. Furthermore, because said line will be placed in the right-of-way, it "necessitates right-of-way acquisition" for the purposes of the Lassen County Code. Because said fiber-optic line, if Lassen County did have permitting authority over said line, would require a use permit application, and the equipment shelter is allowed only as accessory to said line, the proposed equipment shelter also requires a use permit.
8. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
9. The land use element of the Lassen County General Plan, 2000 describes the "Extensive Agriculture" land use designation as follows:

Extensive Agriculture

The Extensive Agriculture designation primarily represents typical rangeland areas with grazing and general rangeland values, natural wildlife habitat, open space and scenic values, and/or low intensity outdoor-oriented recreational values. It also includes general forest areas, timber production areas and related uses. Large parcel sizes are required to support and protect resource values. Except in special "open space" areas, it may accommodate limited dispersed residential uses; however, such uses will typically be related and secondary to agricultural and other resource-based land uses, including dispersed recreation and mining. Subject to County permit requirements and the provisions of related elements of the General Plan, areas designated Extensive Agriculture may also accommodate natural resource-related production facilities, including but not limited to: mineral extraction and processing, including asphalt and similar plants; saw mills and logging operations; and facilities for the processing of agricultural products.

The "Extensive Agriculture" designation has generally incorporated and replaced the "Grazing and Sagebrush Environment" designation used in the 1968 General Plan and in some area plans. Where the term "Grazing and Sagebrush Environment" continues to be used, it shall be considered to be synonymous with "Extensive Agriculture." The Extensive Agriculture designation has also incorporated areas which were designated "General Forest Environment."

To the extent that residential uses are allowed, building intensity will generally not exceed .025 [Dwelling Units per Acre]. Population density will generally average .067 [Persons per Acre]. Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: "U-C", Upland Conservation District; "U-C-2", Upland Conservation/Resource Management District; "T-P-Z", Timber Production Zone.

10. The following goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000*, also pertain to the proposal:

Designation of Land Uses

- *Implementation Measure LU-A: The County shall utilize the zoning provisions of the Lassen County Code to adopt and enforce corresponding zoning districts, and to consider the approval of related use permits and land divisions, which implement and are compatible with the policies, general land uses and programs specified in this Land Use Element and in area plans adopted as part of the General Plan.*
- *Implementation Measure LU-B: The County recognizes the need and legal requirements for making land use decisions which are consistent with the General Plan.*

1. ISSUE: Land Use Compatibility

- *GOAL L-4: Compatibility between land use types by providing for complementary mixtures and patterns of land uses.*
- *LU-6 POLICY: The County recognizes general plan land use designations and consistent zoning as the appropriate and primary tools for attempting to achieve and maintain compatibility of land uses within the context of the County's land use authority and local control.*

6. ISSUE: Commercial Land Uses

- *GOAL L-12: Increase community wealth and the provision of needed commercial services through economic growth and diversification by sustaining and facilitating the expansion of existing commercial operations and by encouraging new commercial ventures.*

Scenic Corridor

- *Scenic Corridors identify areas bordering major highways which have significant or sensitive scenic values due to the existence of significant features and the level of public exposure to those areas. This designation always overlays a primary land use designation. Although special standards may apply to development within such corridors (e.g. design review criteria), uses allowed and corresponding zoning and development standards, including building intensity and population density, area factors of the primary land use designations.*

11. The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

The Planning Division of the Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant must demonstrate that the California Department of Transportation (Caltrans) has approved the proposed fiber-optic line in the U.S. Highway 395 right-of-way before issuance of the building permit for the proposed equipment shelter.
4. The applicant must maintain the original appearance of the equipment shelter as shown on the submitted elevations and pictures.

DEPARTMENT of PUBLIC WORKS

County of Lassen



LARRY MILLAR, Director
Public Works/Road/Transportation
County Engineer

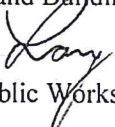
707 Nevada Street, Suite 4
Susanville, CA 96130

☎ 530) 251-8288
FAX: (530) 251-2675

TAC
2019/257

September 27, 2019

TO: County Planning and Building Services

FROM: Larry Millar 
Department of Public Works, Road Department

SUBJECT: Use Permit 2019-005 Zayo Group, LLC (Larry R. Williamson)
Technical Advisory Meeting, October 3, 2019

FINDINGS: Access to the parcel is from U.S. Highway 395, which is not in the County
Maintained Road System.

CONDITIONS: None



County of Lassen
Department of Planning and Building Services

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

September 20, 2019

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: Technical Advisory Committee
Agenda Date: October 3, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit No. 2019-004 – Zayo Group, LLC (applicant)
Larry R. Williamson (owner)
Assessor's Parcel Number: 069-040-26.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The subject property is currently owned by Larry R. Williamson, an unmarried man, as shown at a Grant Deed recorded on November 13, 2014, as Document Number 2014-04951 of the Official Records of Lassen County, California. This property is further known as Assessor's Parcel Number 069-040-26 and is located in portions of Sections 5, 6 and 7, Township 33 North, Range 15 East, Mount Diablo Base and Meridian.
2. The legal description for the property noted in Findings Item Number One above describes four separate parcels. The subject parcel is described within Parcel Four of Mr. Williamson's vesting deed as the SW1/4 of the SW1/4 of Section 5, the SE1/4 of the SE1/4 of Section 6 and the E1/2 of the NE1/4 of Section 7, all in Township 33 North, Range 15 East, Mount Diablo Base and Meridian.
3. Each of the four parcels described in Mr. Williamson's vesting deed has a separately recorded Certificate of Compliance document that has been recorded in the Official Records of Lassen County. The Certificate of Compliance for the subject parcel was recorded on August 11, 1994, in Book 601, Page 872, of the Official Records of Lassen County. The recording of this document validates the parcel as being created in compliance with the provisions of the Subdivision Map Act and local ordinances.
4. The subject parcel abuts U.S. Highway 395 as demonstrated by the legal description within a Grant Deed recorded at Book 50, Page 207, of the Official Records of Lassen County. This deed granted a 0.40 acre portion of land located in the SE1/4 of the NE1/4 of said Section 7 from private ownership to the State of California for State Highway purposes.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS
FOR USE PERMIT NO. 2019-004 (ZAYO GROUP, LLC/LARRY R. WILLIAMSON):**

1. None.

Respectfully Submitted,



Don Willis, L.S. 7742
Lassen County Surveyor



County of Lassen
Department of Planning and Building Services

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

June 3, 2019

Larry Williamson
P.O. Box 967
Lafayette, CA 94546

Rex Atkinson
8730 Powderhorn Way
Indianapolis, IN 46256

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

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Use Permit #2019-004 and Initial Study #2019-002, Williamson

This letter is to inform you that this Department has determined that the above-referenced applications are incomplete and is providing you an opportunity to submit supporting information necessary for this Department to accept said applications as complete, under Government Code Section 65943.

At this time, there are two (broad) items that must be addressed:

1. Authority for Application

It appears that Zayo Group, LLC (Zayo) is in fact the applicant for your applications, while Mr. Rex Atkinson would be the agent. Zayo holds the certificate of public convenience and necessity issued by the California Public Utilities Commission (CPUC), and it appears that CPUC has also prepared the environmental document required under the California Environmental Quality Act for Zayo; the submitted preliminary building plans are also in Zayo's name. Therefore, the application must be modified to show Zayo as the applicant, with Mr. Atkinson as the agent. An authorized Zayo representative must sign the application.

Furthermore, although Mr. Dave Snyder of Zayo has authorized Five Nine Design Group to apply on Zayo's behalf, it is unclear whether Mr. Snyder himself has the authority to do so. This Department has consulted both information from the California Secretary of State and the California Public Utilities Commission (see attached) in an attempt to demonstrate Mr. Snyder's authority, but has not found Mr. Snyder's name among the authorized contacts. Please submit documentation showing Mr. Snyder has the authority to authorize Five Nine Design Group to act on behalf of Zayo.

Lastly, while Mr. Atkinson has signed the above-referenced applications on behalf of Five Nine Design Group, this Department must know that Mr. Atkinson has the authority to apply on Five Nine Design Group's behalf. Please submit documentation stating as such.

In short, it appears that Zayo is in fact the applicant, while Mr. Atkinson is the agent for the above project; your application must be updated to reflect this. Additionally, please provide evidence to demonstrate that the above persons have the authority to sign and submit applications on behalf of their respective organizations.

2. Plot Plan

In addition, the map submitted with your application showing the proposed route of the fiber optic line is currently deficient. The map appears to have been copied from Google Maps; Lassen County Code Section 18.102.020(b)(2) requires that your use permit application be "accompanied by plans, showing on current [U.S. Geological Survey] Quadrangle or equivalent maps, the right-of-way route proposed" for the related fiber optic cable. For illustration, 7.5-minute quadrangle maps have a scale of 1:24,000. Please provide such maps depicting the proposed route of the fiber optic line to this Department.

Again, this Department cannot accept your application as complete (as described at Government Code Section 65943) at this time until the above items are satisfied. In order to process your application properly, this Department needs as specific information as possible. Once the above is submitted and your application is accepted as complete, additional information and/or submittals may be required during the processing of your application.

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

Sincerely,



for Maurice L. Anderson,
Director

MLA:smr

Enclosures: Statement of Information from California Secretary of State
Utility Contact System Search from California Public Utilities Commission

S:/PLA/Planning/2019/UP #2019-004, Williamson/Hold Letter



Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

19-A07842

FILED

In the office of the Secretary of State
of the State of California

JAN 07, 2019

This Space For Office Use Only

IMPORTANT — Read instructions before completing this form.

Filing Fee — \$20.00

Copy Fees — First page \$1.00; each attachment page \$0.50;
Certification Fee — \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

ZAYO GROUP, LLC

2. 12-Digit Secretary of State File Number

201102810347

3. State, Foreign Country or Place of Organization (only if formed outside of California)

DELAWARE

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

b. Mailing Address of LLC, if different than item 4a

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

c. Street Address of California Office, if item 4a is not in California - Do not list a P.O. Box

City (no abbreviations)

State

CA

Zip Code

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete items 5a and 5c (leave item 5b blank). If the manager/member is an entity, complete items 5b and 5c (leave item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete item 5b

Daniel

Middle Name

Last Name

Caruso

Suffix

b. Entity Name - Do not complete item 5a

c. Address

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL — Complete items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)

Middle Name

Last Name

Suffix

b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box

City (no abbreviations)

State

CA

Zip Code

CORPORATION — Complete item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete item 6a or 6b

C T CORPORATION SYSTEM (C0168406)

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company

Telecom

8. Chief Executive Officer, if elected or appointed

a. First Name

Daniel

Middle Name

Last Name

Caruso

Suffix

b. Address

1805 29th Street STE 2050

City (no abbreviations)

Boulder

State

CO

Zip Code

80301

9. The information contained herein, including any attachments, is true and correct.

01/07/2019

Charles Forst

Dir. Regulatory Reporting

Date

Type or Print Name of Person Completing the Form

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:



DELAWARE

[illegible]



Utility Contact System Search

The Utility Contact System (UCS) is the Communications Division's database for the primary regulatory contact for each telephone corporation operating in California. The Communications Division sends important regulatory notices to the regulatory contact for each telephone corporation via e-mail, so it is important for primary regulatory contacts to update their UCS record if their e-mail address changes.

Telephone corporations may update UCS contact information using the form on the following page: [Carrier Reporting Requirements](#)

A description of the different utility types (granted authorities) are listed on the following page: [Utility Type Descriptions](#)

Search Utility Name

Search Utility Number

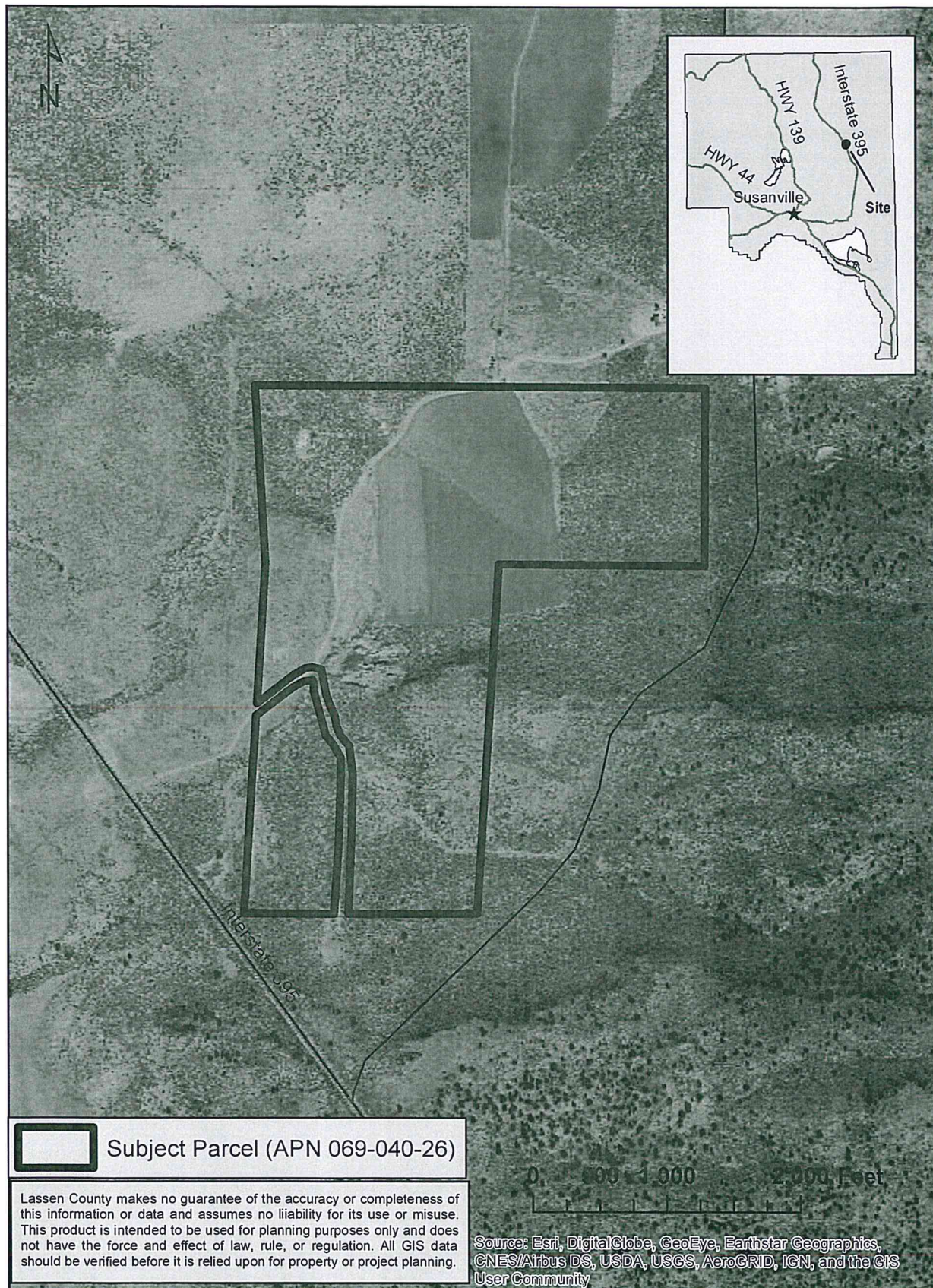
Utility Name	Alias (DBA Name)	Utility Number	Street Address	City	State	Zip	Phone Number	Email	Utility Type	CPCN Approval Date
Zayo Group, LLC		6102	1621 18TH STREET	DENVER	CO	80202	(303) 854-5210	charles.forst@zayo.com	CLC	08-21-2008
Zayo Group, LLC		6102	1621 18TH STREET	DENVER	CO	80202	(303) 854-5210	charles.forst@zayo.com	IEC	08-21-2008
Zayo Group, LLC		6102	901 FRONT STREET, SUITE 200	LOUISVILLE	CO	80027	(509) 661-2110	khedine@gohighspeed.com	IEC	08-21-2008
Zayo Group, LLC		6102	250 EAST PENNY ROAD	WENATCHEE	WA	98801	(509) 661-2110	gmcglynn@intl.us	IEC	08-21-2008
Zayo Group, LLC		6102	250 EAST PENNY ROAD	WENATCHEE	WA	98801	(509) 661-2110	gmcglynn@intl.us	CLC	08-21-2008

[Save Search Results as CSV Spreadsheet](#)

1 - 5

[Comments & Feedback](#)

Use Permit #2019-004, Zayo (Williamson)





USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381
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

RECEIVED

SEP 09 2019

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.

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES
FILE NO 2019-024

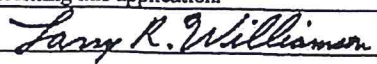
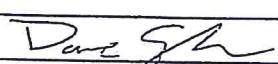
Property Owner/s	Property Owner/s
Name: Larry R Williamson	Name:
Mailing Address: PO Box 967	Mailing Address:
City, ST, Zip: Lafayette CA 94546	City, ST, Zip:
Telephone: 530-200-4666 Fax: 530-528-8377	Telephone: Fax:
Email: williamsonre@gmail.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name: Zayo Group, LLC (Dave Snyder)	Name: Rex Atkinson
Mailing Address: 1621 18th Street	Mailing Address: 8730 Powderhorn Way
City, ST, Zip: Denver, CO 80202	City, ST, Zip: Indianapolis, IN 46256
Telephone: 720-495-4600 Fax:	Telephone: 812-987-5316 Fax: 833-348-3934
Email: Dave.Snyder@Zayo.com	Email: rex@five9dg.com License #:

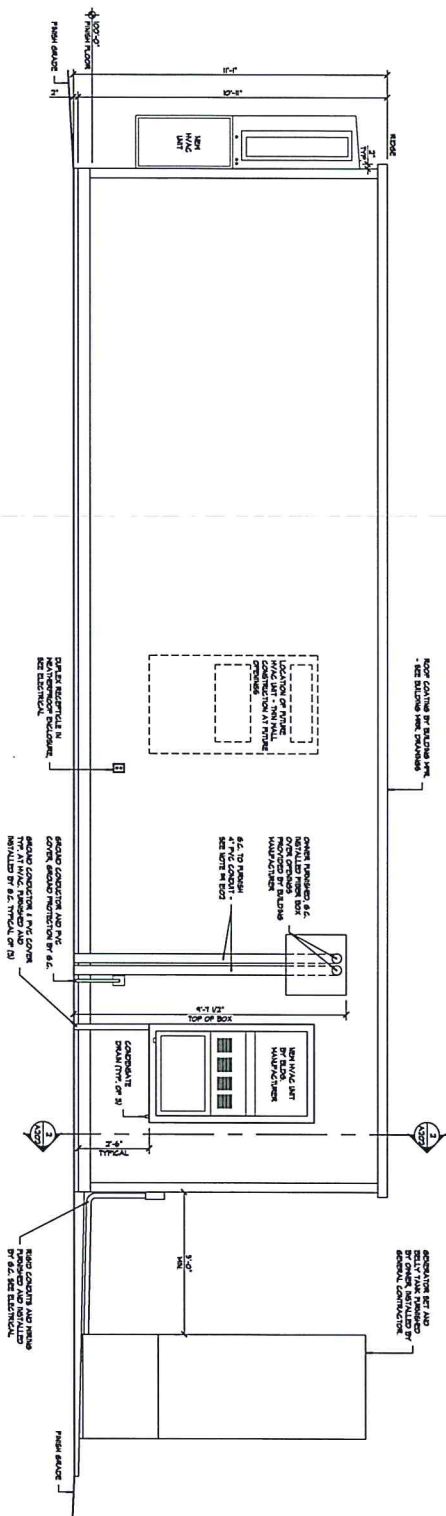
Project Address or Specific Location: Situs CA 395 Ravendale, CA 96123			
Deed Reference: Book: 57	Page: 15	Year: 2014	Doc#: 2014-04951
Zoning: U-C-2 Upland Conservation / Resource Management District		General Plan Designation: Agriculture	
Parcel Size (acreage): 0.25 Acres Lease Area (160 Acres)		Section: Lease7 (6,5) Township: 33N Range: 15E	

Assessor's Parcel Number(s):	069 - 040 - 2611	- -	- -
- -	- -	- -	- -

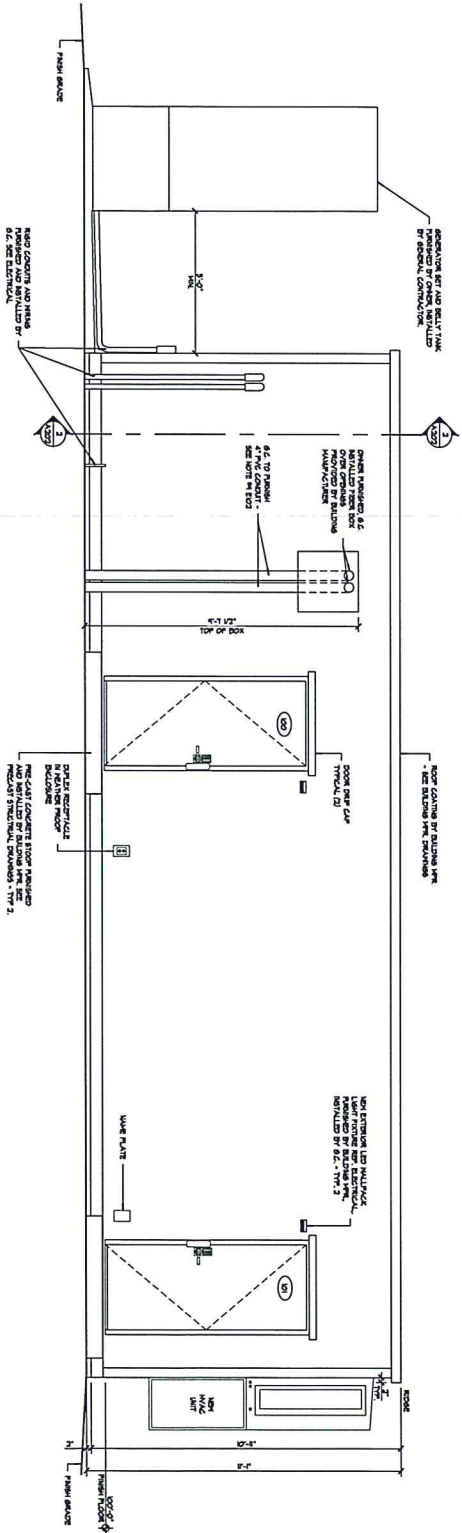
Project Description:
Unmanned, premanufactured, fiber-optic equipment shelter. The fiber-optic equipment shelter regenerates the signal for the proposed adjacent Zayo fiber-optic line. The shelter is serviced by a back-up generator and surrounded by a security fence.

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: 06/04/2019	 Date: 08/28/2019
Date:	Date:

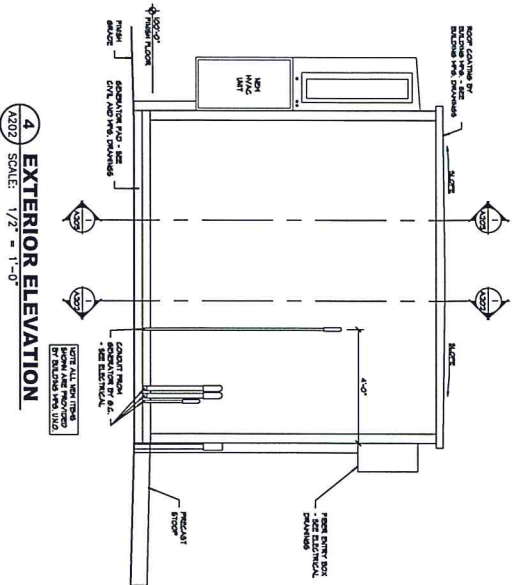
See associated process form for required attachments and instructions.



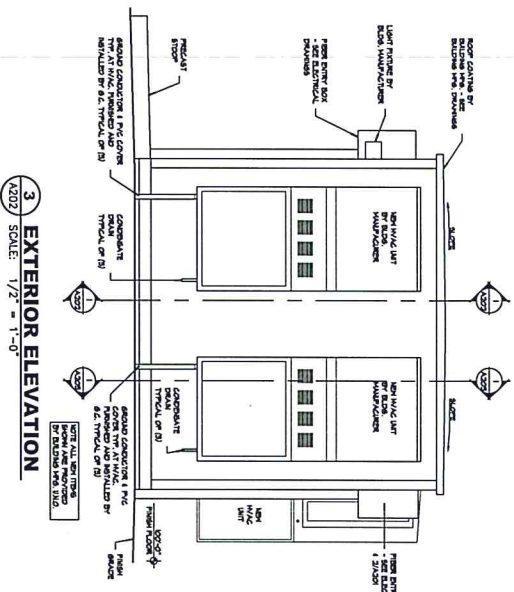
2 EXTERIOR ELEVATION
A201 SCALE: 1/2" = 1'-0"



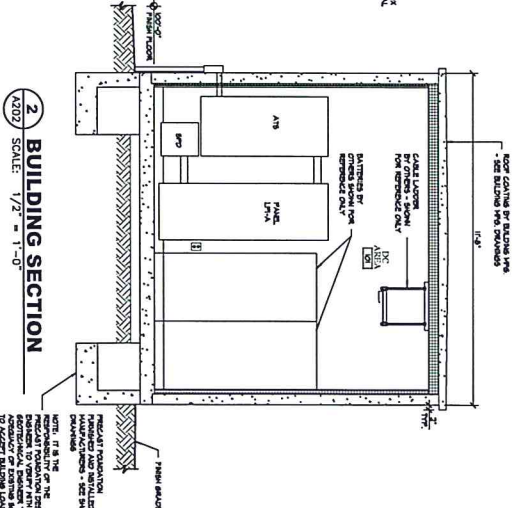
1 EXTERIOR ELEVATION
A201 SCALE: 1/2" = 1'-0"



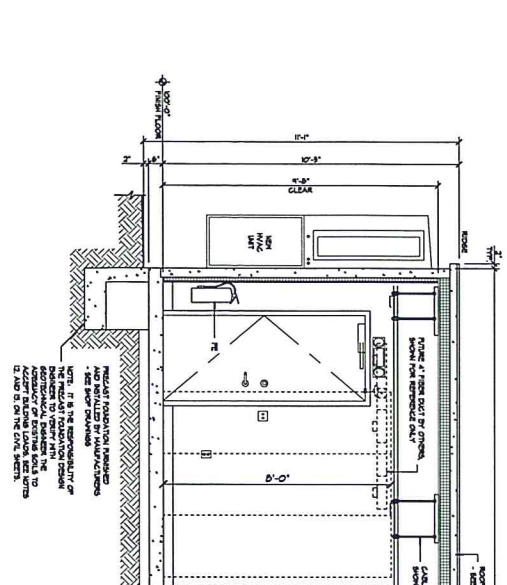
4 EXTERIOR ELEVATION
A202 SCALE: 1/2" = 1'-0"



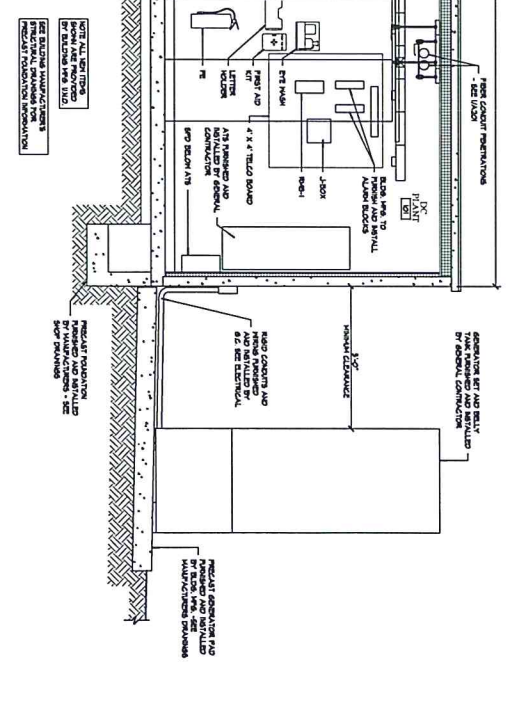
3 EXTERIOR ELEVATION
A202 SCALE: 1/2" = 1'-0"



2 BUILDING SECTION
A202 SCALE: 1/2" = 1'-0"

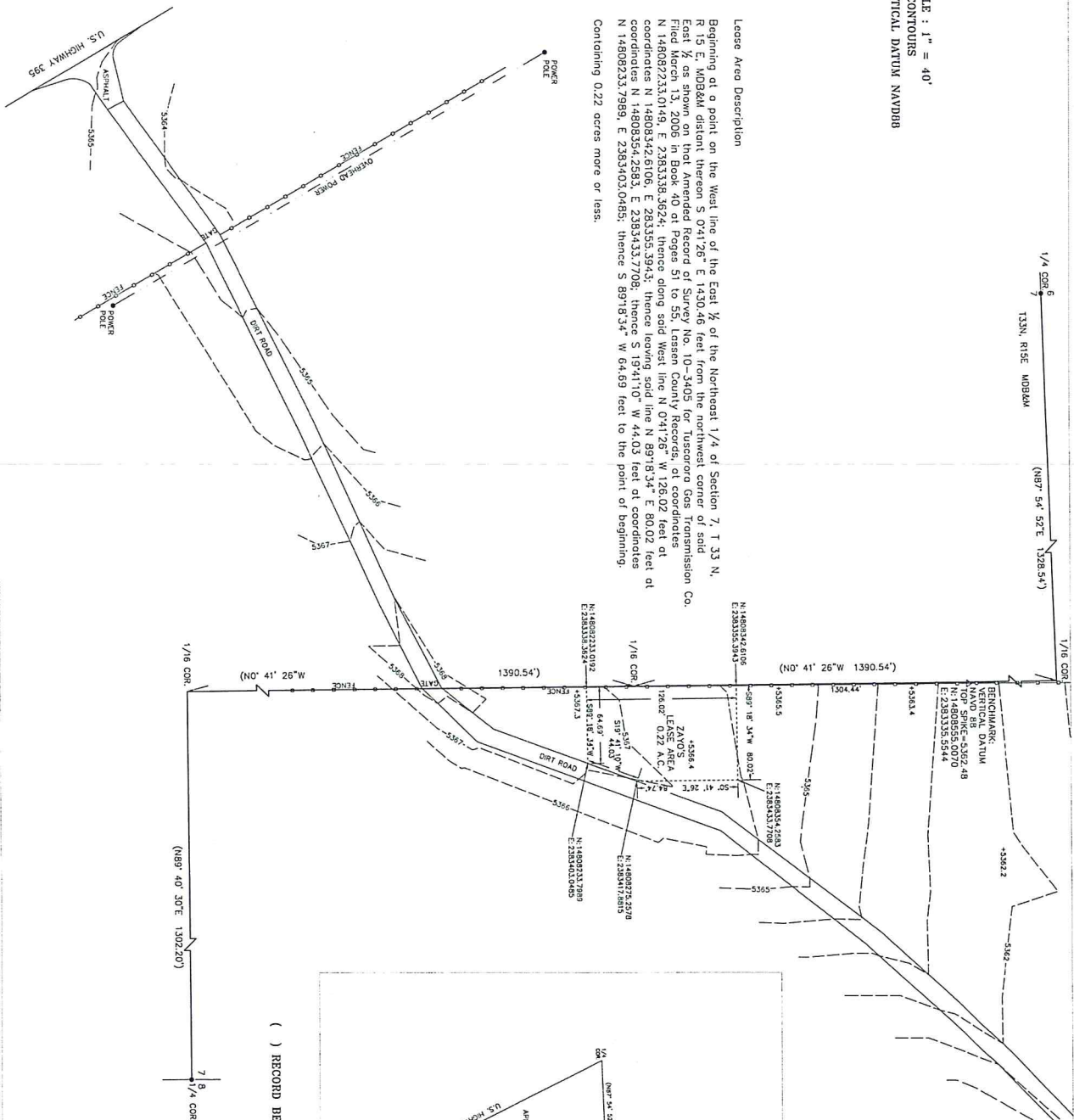


1 BUILDING SECTION
A202 SCALE: 1/2" = 1'-0"



1 BUILDING SECTION
A202 SCALE: 1/2" = 1'-0"

SCALE : 1" = 40'
1' CONTOURS
VERTICAL DATUM NAVD88



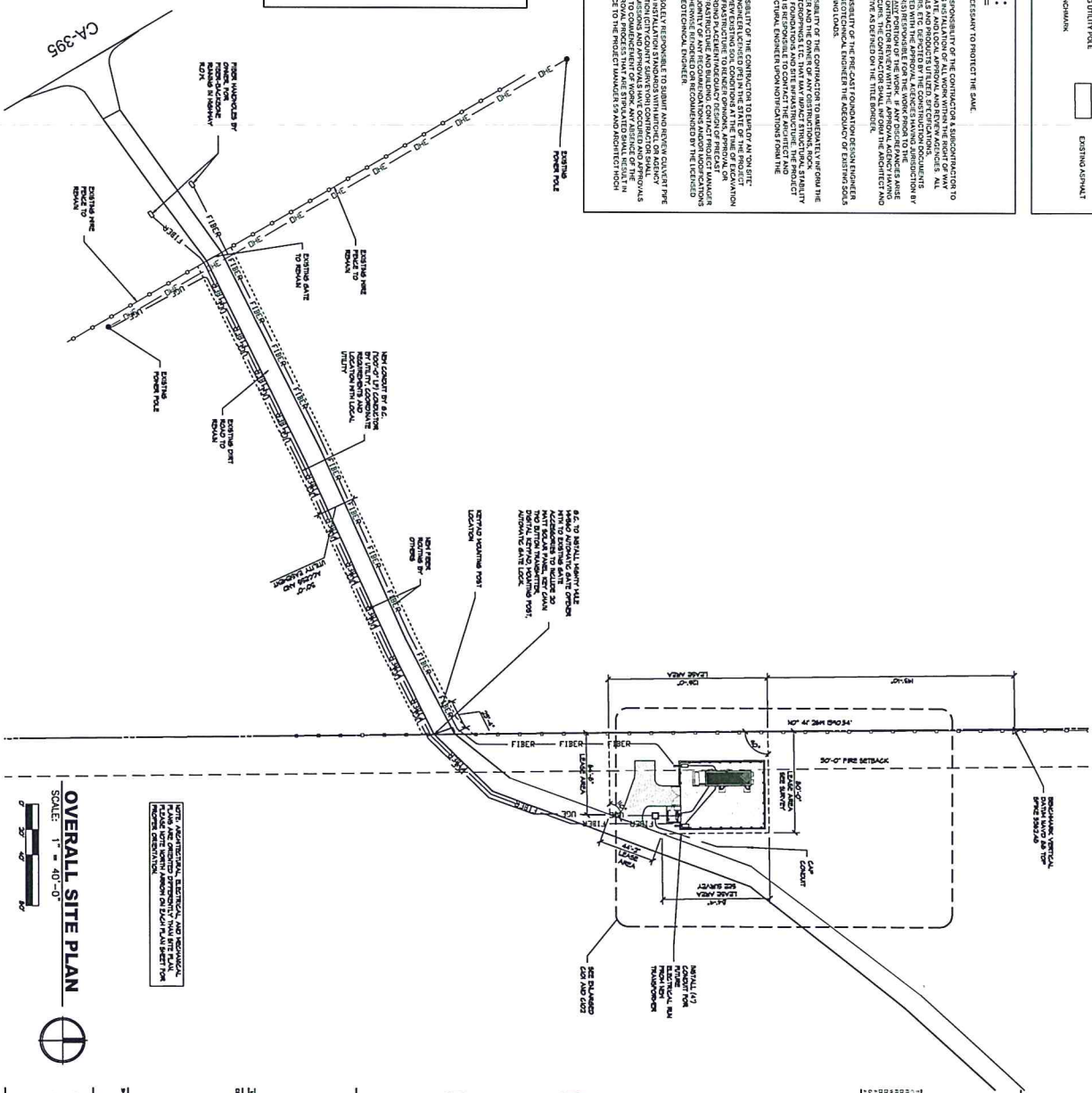
SITE LAYOUT GENERAL NOTES:

SITE LAYOUT GENERAL NOTES:

-
- PROJECT LOCATION
120°07'02"W
39°02'02"N
- CA-90
CA-94
SHASTA STATE PARK
SHASTA NATIONAL FOREST
SHASTA CAMPGROUND

PROJECT LOCATION

SCALE: NONE



OVERALL SITE PLAN
SCALE: 1" = 40'-0"

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523</
--	---	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-------

[illegible]

zayo™
GROUP

"UNASSIGNED" CA-395
RAVENDALE, CA 96123



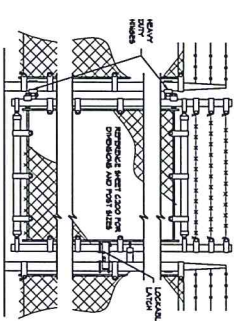
1925 HARGRAY DRIVE
NORTLEYSVILLE, INDIANA 46062
P 833.348.7034
www.flynn-dg.com

LEGEND

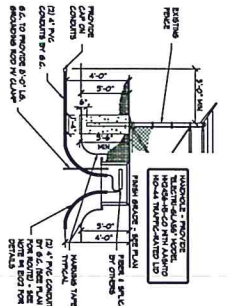
— DIE —	EXISTING OVERHEAD ELECTRIC LINE	— NEW GATE —	NEW GATE
— FIBER —	NEW UNDERGROUND FIBER CONDUIT	— EXISTING UTILITY POLE —	EXISTING UTILITY POLE
— UCE —	NEW UNDERGROUND ELECTRIC	— SITE BENCHMARK —	SITE BENCHMARK
— — — — —	NEW CHAINLINK FENCE		

SITE LAYOUT GENERAL NOTES:

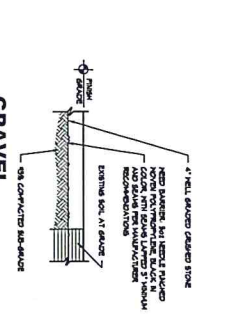
1. DRAINAGE AREAS TO THE SOUTH OF CONCRETE PAVING, ON A SLOPE OF 1:10.
2. IN THE EVENT OF ANY DISCREPANCIES AND/OR ERRORS FOUND IN THE CONSTRUCTION SHALL NOTIFY THE ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
3. CONSTRUCTION SHALL VERIFY EXISTING ELEVATIONS PRIOR TO BEGINNING.
4. ALL MATERIAL TO EXISTING GRASS AREAS AS A RESULT OF NEW CONSTRUCTION SHALL BE RESEED AT THE CONTRACTOR'S EXPENSE.
5. SITE DEVELOPMENT PLAN IS BASED ON A PRE-CONSTRUCTION SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE NOT SHOWN ON THE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE NOT SHOWN ON THE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE NOT SHOWN ON THE PLAN.
6. ALL UTILITIES BY GENERAL CONTRACTOR UNLESS NOTED OTHERWISE.
7. CONSTRUCTIVE SUBGRADE PREPARATION WITH GEOTECHNICAL INFORMATION SHALL BE PROVIDED AT 10% MIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE NOT SHOWN ON THE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE NOT SHOWN ON THE PLAN.
8. GENERAL CONTRACTOR TO LOCATE ALL EXISTING UNASSIGNED UTILITIES FOR ALL MATERIALS TO EXISTING STRUCTURES, UTILITIES ETC. AND MAKE ALL ADJUSTMENTS TO THE PROJECT MANAGER'S AND ARCHITECT'S HIGH ACCURACY.
9. IF IT IS THE RESPONSIBILITY OF THE PRE-CAST FOUNDATION DESIGN ENGINEER TO VERIFY EXISTING CONDITIONS.
10. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.
11. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.
12. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.
13. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.
14. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.
15. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS.



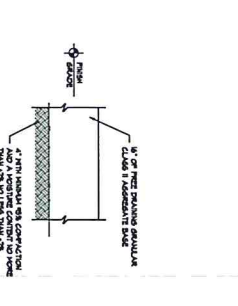
4 MAN GATE DETAIL
SCALE: 3/4" = 1'-0"



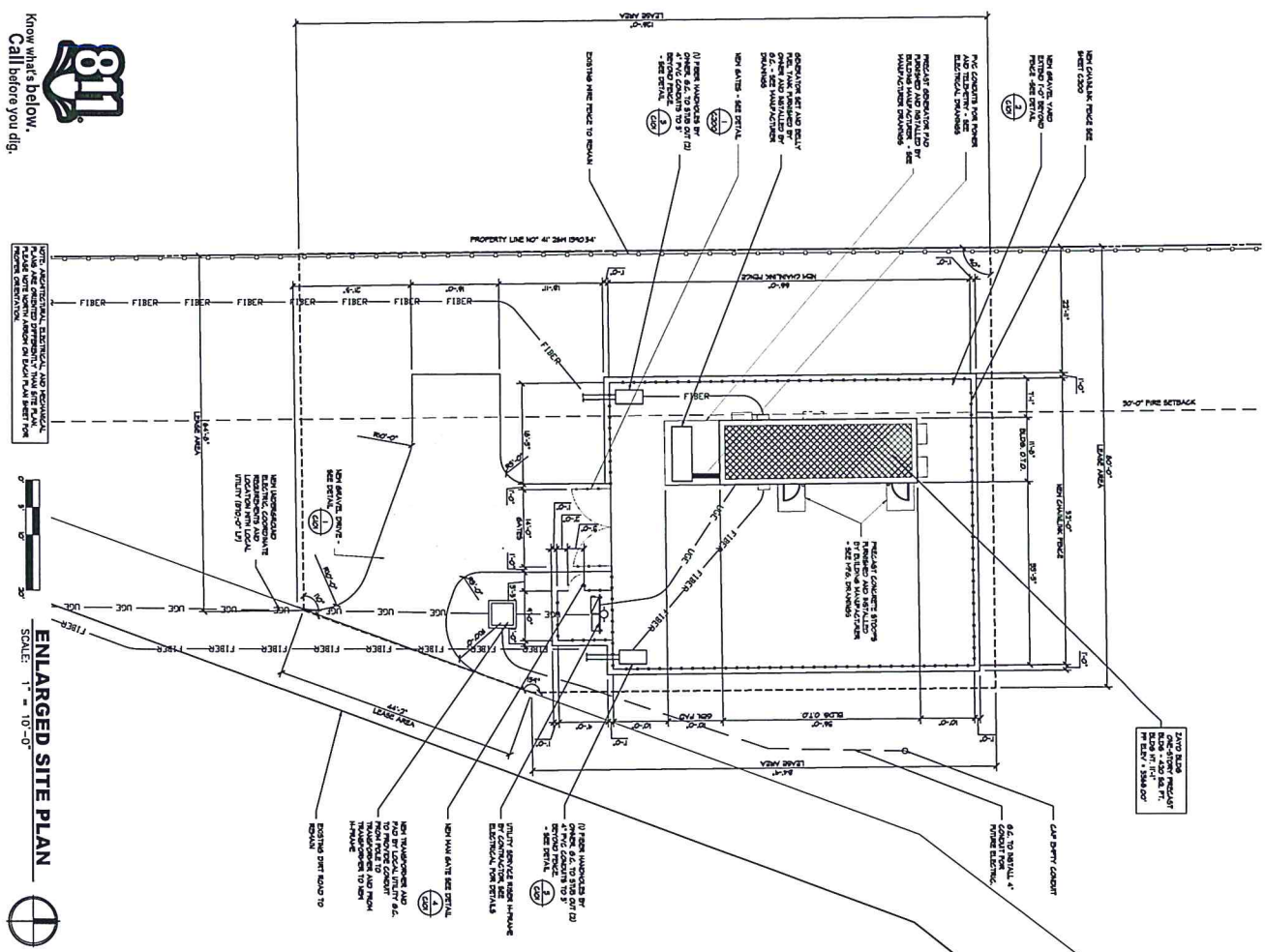
3 FIBER HANDHOLE
SCALE: 1/4" = 1'-0"



2 GRAVEL DETAIL
SCALE: 3/4" = 1'-0"



1 GRAVEL DRIVE DETAIL
SCALE: 3/4" = 1'-0"



zayo
GROUP

"UNASSIGNED" CA-395
RAVENDALE, CA 96123

FIVE NINE
DESIGN GROUP

1100 LANSLEY DRIVE
HOMERIDGE, INDIANA 46032
P. 833.348.3304
WWW.FIVENINEDESIGN.COM

1-3/4\"/>

1-3/4\"/>

— DFC —	EXISTING OVERHEAD ELECTRIC LINE		EXISTING WIRE FENCE		NEW GATE	
— FENCE —	NEW UNDERGROUND RIVER CONDUIT		EXISTING UTILITY POLE		EXISTING ASPHALT	
— UDC —	NEW WOOD PILING ELECTRIC		SITE BENCHMARK			
— — — — —	NEW CHAINWIRE FENCE					

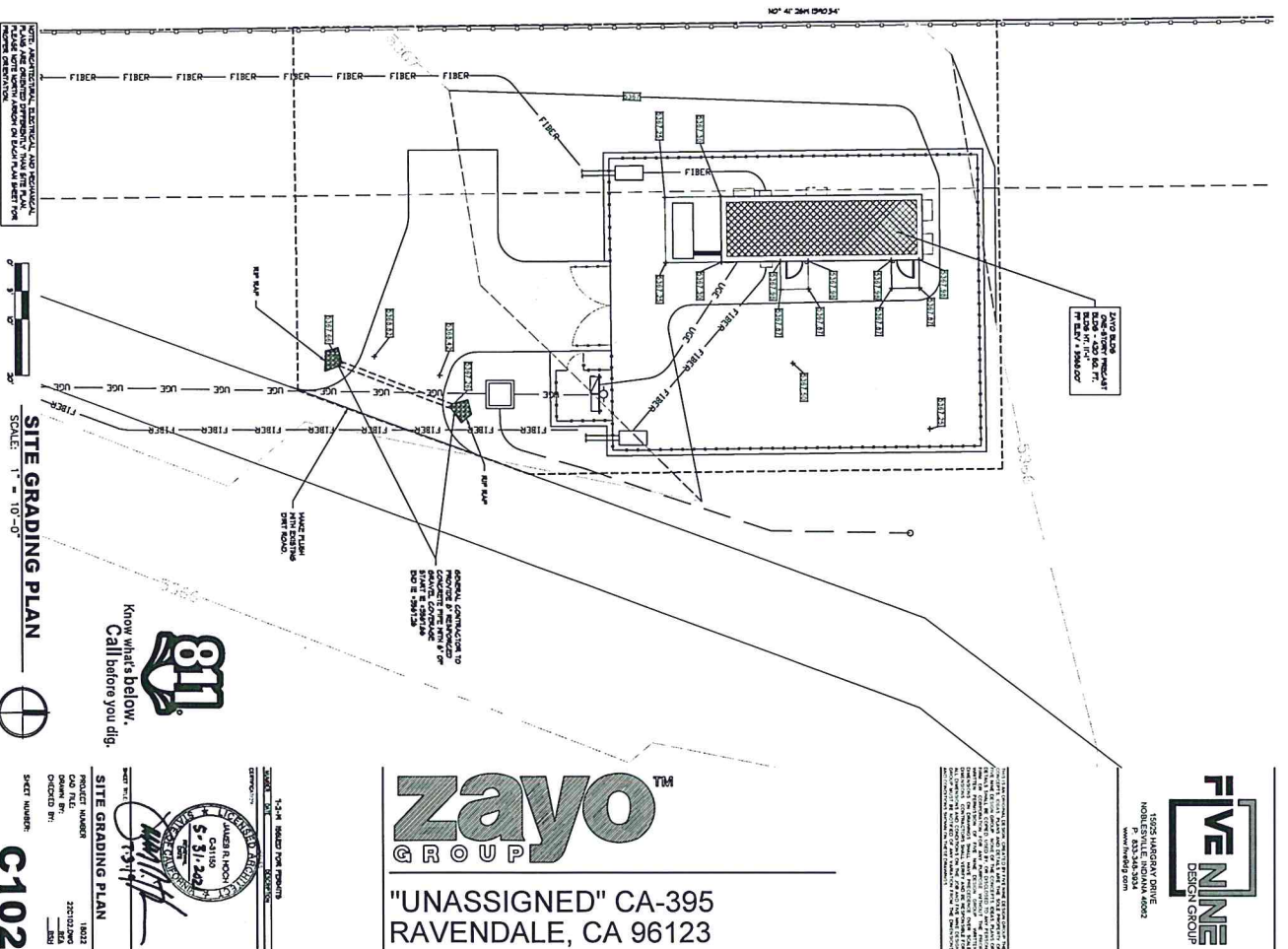
[illegible]

TABLE OF CONTENTS

PLANNING COMMISSION MEETING November 5, 2019

FILE NUMBER:	DR #2019-020
PROPERTY OWNER:	McNeill Storage Properties, LLC
TYPE OF APPLICATION:	Design Review

Staff Report.....	001
Draft Resolutions	003
Memorandum from the September 16, 2019, Architectural Review Committee Meeting....	008
Hold Letter dated July 12, 2019.....	016
Response Letter from Juan Jimenez dated September 10, 2019.....	020
Vicinity Map	022
Applications and Related Materials (including Plot Plan and Drawings)	023

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
November 5, 2019

FILE NUMBER:	2019-020
PROPERTY OWNER:	McNeill Storage Properties, LLC
TYPE OF APPLICATION:	Design Review
GENERAL LOCATION:	The project site is located at 406 Ash Street, in Westwood, CA, 96137
ASSESSOR'S PARCEL NUMBER:	125-133-12
PROJECT SITE ZONING:	C-1 (Retail Business District)
GENERAL PLAN:	"Central Business District" in the <i>Westwood/Clear Creek Area Plan, 2002</i>
ENVIRONMENTAL DOCUMENT:	Exempt from CEQA pursuant to Section 15061(b)(3) of the 2019 CEQA Guidelines
ASSIGNED STAFF:	Stefano Richichi, Associate Planner

AUTHORITY FOR APPLICATION:

Design Review Provision, Lassen County Code Section 18.118 et seq. established regulations.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Design Review Approval
Building Division	Building Permit

PROJECT DESCRIPTION: The applicant is proposing a 5,600-square-foot, 42-unit, metal mini-storage building. Said proposal has been referred to the Planning Commission, in part for the Commission's to review the proposal's consistency with the *Westwood/Clear Creek Area Plan, 2002*.

PROJECT SITE CHARACTERISTICS: The project site is located approximately 1,000 feet north of the intersection of Ash and Third Streets at 406 Ash Street, in Westwood, CA, 96137. Existing improvements on site include two residences and a barn that the applicant proposes to remove in order to construct the proposed mini-storage.

ACCESS/REQUIREMENTS: Access is from Ash Street, which is in the County Maintained Road System.

ZONING: The project site is zoned C-1 (Retail Business District). Lassen County Code Section 18.36.020 allows mini-storage warehouses by right in the C-1 (Retail Business District) district. Lassen County Code 18.36.100 states that all development in the C-1 district is subject to design review.

SURROUNDING PROPERTY CHARACTERISTICS: Neighboring parcels on the same block are zoned C-1 (Retail Business District), except for a parcel across Ash Street that is zoned C-2 (General Commercial District). Immediately surrounding parcels range from 0.36 to 1.22 acres in size (although most parcels are less than one acre in size), except for the larger parcel to the east. Existing improvements on surrounding parcels include a mini-storage facility to the north.

	Zoning (see notes at bottom)	Parcel Size (acres)	Land Use Designation <i>Westwood/Clear Creek Area Plan, 2002</i>
North	C-1	1.22	“Central Business District”
East	P-C	148.58	“Planned Development”
South	C-1	0.36	“Central Business District”
West	C-2	0.38	“Central Business District”

C-1 (Retail Business District)

P-C (Planned Community District)

C-2 (General Commercial District)

GENERAL PLAN:

The project site has a “Central Business District” land use designation according to the *Westwood/Clear Creek Area Plan, 2002*. See the attached memorandum to the Architectural Review Committee for information regarding relevant goals, policies, and implementation measures contained in the *Westwood/Clear Creek Area Plan, 2002*.

LASSEN COUNTY CODE: Lassen County Code Section 18.118.020 states that consideration of the design application shall include:

- (1) *Conformance with the specified intent or criteria of certain applicable districts or uses;*
- (2) *Standards and provisions of the general plan or any applicable area plan;*
- (3) *Conformance with an applicable specific plan; or*
- (4) *Conditions specified in applicable use permits or planned unit development permits.*

Said section also states that “To these ends, design review shall serve as a format to suggest any changes in the plans of such proposed buildings, structures and other improvements as may be deemed necessary to accomplish the purpose [as stated above].”

Lassen County Code Section 18.118.040(a) authorizes the Architectural Review Committee to refer design review applications to the Planning Commission. The applicant or any interested person not satisfied with the action of the Planning Commission may be appeal said decision to the Board of Supervisors within 10 days of said action.

ENVIRONMENTAL DOCUMENT: The Environmental Review Officer of Lassen County has determined that this proposal is exempt from the California Environmental Quality Act under Section 15061(b)(3), the “common sense” exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FINDINGS AND RECOMMENDATIONS BY ARC: The Architectural Review Committee met on September 16, 2019, and moved to refer the application to the November 5, 2019, Planning Commission meeting.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION
APPROVING DESIGN REVIEW APPLICATION #2019-020,
MCNEILL STORAGE PROPERTIES

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted November 5, 2019, has considered Design Review Application #2019-020 filed by McNeill Storage Properties, LLC, to allow for the construction of a 5,600-square-foot, 42-unit, metal mini-storage building. The project site is zoned C-1 (Retail Business District) and has a “Central Business District” land use designation in the *Westwood/Clear Creek Area Plan, 2002*. The project site is located approximately 1,000 feet north of the intersection of Ash and Third Streets at 406 Ash Street, in Westwood, CA, 96137 (APN: 125-133-12); and

WHEREAS, Lassen County Code 18.36.100 states that all development in the C-1 district is subject to design review; and

WHEREAS, Lassen County Code Section 18.118.020 states that consideration of the design review application shall include review for conformance with the standards or provisions of the general plan or any applicable area plan, which, in this case, is the *Westwood/Clear Creek Area Plan, 2002*; and

WHEREAS, similar buildings to what is being requested are located nearby, and, as such, the proposed building would not represent a significant departure from other buildings in the vicinity; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the project is exempt from the requirements of the California Environmental Quality Act under Section 153061(b)(3) of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That the proposed project is consistent with the *Westwood/Clear Creek Area Plan, 2002*, and the provisions of the Lassen County Zoning Ordinance; and
 - b. That the design review application would not be adverse to the public or general neighborhood, hinder the orderly and harmonious development of the county, or otherwise affect the general prosperity and welfare of its residents.

3. The Lassen County Planning Commission hereby concurs with the Environmental Review Officer that the project qualifies for an exemption from the California Environmental Quality Act under Section 153061(b)(3) of the 2019 California Environmental Quality Act Guidelines.
4. The Lassen County Planning Commission hereby approves Design Review Application #2019-020, subject to the conditions of approval attached hereto as Exhibit "A."

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary

“EXHIBIT A”

CONDITIONS OF APPROVAL
DESIGN REVIEW #2019-020, McNeill Storage Properties

1. The applicant/property owner will secure a building permit from the Department of Planning and Building Services before construction of the proposed accessory building.
2. The proposed accessory building shall be painted to yellow or beige (as demonstrated by the submitted color sample) to match the mini-storage buildings on the adjacent parcel.
3. The proposed metal roof shall not be reflective.
4. The applicant/property owner must replace all of the trees proposed to be removed (10) and shall provide adequate irrigation to said replacement trees to the satisfaction of the Department of Planning and Building Services.
5. The applicant/property owner must underground all conduits providing electrical service to the proposed mini-storage building.
6. In the event that any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who may recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures or conditions of approval recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION
DISAPPROVING DESIGN REVIEW APPLICATION #2019-020,
MCNEILL STORAGE PROPERTIES

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted November 5, 2019, has considered Design Review Application #2019-020 filed by McNeill Storage Properties, LLC, to allow for the construction of a 5,600-square-foot, 42-unit, metal mini-storage building. The project site is zoned C-1 (Retail Business District) and has a “Central Business District” land use designation in the *Westwood/Clear Creek Area Plan, 2002*. The project site is located approximately 1,000 feet north of the intersection of Ash and Third Streets at 406 Ash Street, in Westwood, CA, 96137 (APN: 125-133-12); and

WHEREAS, Lassen County Code 18.36.100 states that all development in the C-1 district is subject to design review; and

WHEREAS, Lassen County Code Section 18.118.020 states that consideration of the design review application shall include review for conformance with the standards or provisions of the general plan or any applicable area plan, which, in this case, is the *Westwood/Clear Creek Area Plan, 2002*; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the California Environmental Quality Act does not apply to projects that are disapproved, pursuant to Section 15270 of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That the proposed project is not consistent with the *Westwood/Clear Creek Area Plan, 2002*, and the provisions of the Lassen County Zoning Ordinance; and
 - b. That the design review application would be adverse to the public or general neighborhood, hinder the orderly and harmonious development of the county, or otherwise affect the general prosperity and welfare of its residents.
3. The Lassen County Planning Commission hereby disapproves Design Review Application #2019-020.

RESOLUTION NO. _____

Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary



County of Lassen
Department of Planning and Building Services

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

September 12, 2019

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: Architectural Review Committee
Agenda Date: September 16, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

SUBJECT: **DESIGN REVIEW #2019-020, McNeill Storage Properties, LLC.** The applicant is proposing a 5,600-square-foot, 42-unit, metal mini-storage building. The project site is zoned C-1 (Retail Business District) and has a "Central Business District" land use designation, the latter according to the *Westwood/Clear Creek Area Plan, 2002*. The project site is located approximately 1,000 feet north of the intersection of Ash and Third Streets at 406 Ash Street, in Westwood, CA, 96137. APN: 125-133-12. Staff Contact: Stefano Richichi, Associate Planner

The Lassen County Department of Planning and Building Services recommends the following findings:

1. The subject parcel is zoned C-1 (Retail Business District) and has a "Central Business District" land use designation, the latter according to the *Westwood/Clear Creek Area Plan, 2002*.
2. Existing improvements on site include two residences and a barn that the applicant proposes to remove in order to construct the proposed mini-storage.
3. The applicant is proposing a 5,600-square-foot, 42-unit, metal mini-storage building.
4. Lassen County Code Section 18.36.020 allows mini-storage warehouses by right in the C-1 (Retail Business District) district.
5. Lassen County Code 18.36.100 states that all development in the C-1 district is subject to design review.
6. Lassen County Code Section 18.102.070 sets forth specific development criteria for mini-storage warehouses. The proposed mini-storage building complies with the door height, access, color, and setback standards found in that section. Per said section, those standards are minimum allowable standards. The architectural review committee may apply additional standards if it finds such are necessary to protect the interests of the general public, surrounding landowners, or the project proponent. Said section also requires that mini-storage warehouses undergo design review.
7. The proposed mini-storage complies with the 30-foot fire safety setback found at Lassen County Code Section 9.16.103(d)(1)(a).
8. The *Community of Westwood Design Guidelines, 2004* (Westwood Design Guidelines), adopted by Board Resolution Number 04-034, states a follows:

All requests for new construction within commercial and industrial districts shall contain a landscape plan showing, at a minimum, location of existing trees, the location of any trees to be removed, proposed planting and irrigation detail.

The removal of trees along the street is prohibited unless the tree is in danger of falling, diseased, not consistent with an approved landscape plan or an adopted area-wide plan, or otherwise creates a safety concern.

A replacement tree should be planted in the same relative location as the tree that was removed; or, if removed to facilitate development, at a location on the same property as the tree that is removed.

9. The applicant proposes to remove and replace a total of 10 trees at the project site and the adjacent parcel (APN 125-133-13). At the project site, the applicant proposes to remove and replace five trees, and remove and replace five trees on the adjacent parcel. Although the applicant did not submit an irrigation plan as described above, the note on the submitted plot plan reads: "Owner to provide irrigation to new trees." If this application is ultimately approved, the applicant will be required to replant the existing trees as proposed and provide for their irrigation before issuance of the Certificate of Occupancy for the proposed mini-storage building (through the building permit process).
10. Furthermore, the applicant may be required to secure a "Less than 3 Acre Conversion Exemption" from the California Department of Forestry and Fire Protection (Cal Fire) for the removal of any and all trees. The applicant should speak with the Lassen-Modoc Cal Fire Unit to this effect.

11. The Westwood Design Guidelines also state as follows:

Within industrial areas, pre-manufactured buildings are to avoid the generic, off-the-shelf appearance. The use of a typical utilitarian design with an exposed low, pitch (2:12) roof, no overhang, single color, flat walls, and unorganized window openings is discouraged. If these buildings are to be used, one of the following design approaches should be employed:

- a. *The low pitch roofs should be hidden behind a parapet, or;*
 - b. *The roof pitch should be increased to a minimum of 4:12 and the overhangs should be commensurate with the scale of the building (e.g., 3 to 4 foot overhangs on a 14' eave height).*
 - c. *Include features such as; offsets in the wall planes, recessed entry areas, metal canopies, several colors, accent color bands, multiple siding profiles.*
 - d. *Roof structures over entry ways should be designed to dump snow away from pedestrian traffic and walkways.*
12. Although the project site is zoned for commercial use, and is therefore not an "industrial area" as described above, it is reasonable to infer that if the above design criteria apply to industrial areas, for which concerns about appearance are least relevant, then the above criteria would also apply to commercial areas. Furthermore, the Lassen County Code allows mini-storage buildings in both commercial and industrial zones, suggesting that mini-storage buildings can be classified as either. Ultimately, however, the Architectural Review Committee, or Planning Commission, as appropriate, will determine whether the above criteria apply to this project.

13. Furthermore, the Westwood Design Guidelines also state:

Roofs for new buildings shall not have less than a 6:12 slope, unless otherwise approved through the design review.

14. The applicant proposes a 0.5 in 12 roof pitch with 1.75 inch roof overhangs. The applicant also states in his attached letter dated September 10, 2019, that the proposed mini-storage building is not a pre-manufactured building, and therefore, in the applicant's opinion, the above criteria found in Finding 10 do not apply to the proposed project.

15. In addition, the Westwood Design Guidelines state:

Policy CCE-4: The County supports the undergrounding of utilities in the planning area.

Implementation Measure CCE-I: In the review of development projects in the planning area, utility lines will be required to be installed underground unless there are substantial reasons to demonstrate that undergrounding of certain utility lines is not feasible.

16. The applicant proposes several underground conduits providing electrical service to the existing storage buildings on the adjacent parcel and to the proposed mini-storage building.

17. The Westwood Design Guidelines relate the following regarding siding:

Wood, stone, or brick siding is considered traditional and is the preferred material; however, alternate materials (e.g. steel, concrete, vinyl) may be used provided that the exterior appearance resembles traditional materials.

For buildings within the Central Business Area, horizontal wood lap siding is the preferred design and material. Alternate materials may be used provided that the exterior appearance resembles wood lap siding once installed. Brick accents, for patios, walkways, fireplaces and similar supporting architectural or landscape features, are acceptable. Plywood or similar appearing panel siding is discouraged due to maintenance requirements and overall appearance.

18. The proposed mini-storage building is located in the Central Business Area. The applicant proposes metal siding.

19. The Westwood Design Guidelines also state:

Along Ash and Birch Streets, between 3rd and 5th streets, buildings should be a minimum of two stories. When two stories are not proposed, the building design should incorporate the use of an attic with loft windows similar to the main building, and be constructed in a manner that would allow for a second addition in the future.

20. The project site is at the intersection of 4th Street and Ash Street. The proposed mini-storage building would be 14 feet tall if approved.

21. The following excerpts from the *Community of Westwood Design Guidelines, 2004* more generally pertain to the project:

PURPOSE:

1. **Provide direction to the public as well as establish criteria for review of projects.** The purpose of the design guidelines is to provide a clear set of design policies to help developers, builders, and the public in general understand, appreciate, and fulfill the design qualities and objectives being encouraged within the Westwood/Clear Creek Planning Area. These guidelines also provide the primary design criteria which County Staff, Architectural Review Committee, Planning Commission, and the Board of Supervisors will use to evaluate project proposals during the review and approval process.
2. **Implement the Community Character Element of the Westwood/Clear Creek Area Plan, the Westwood Revitalization Plan, and provide direction to enhance Westwood's visual form which is comprised of natural and man made components.** These Guidelines provide that the appearance of structures will support the visual resource goals of the area and ensure that buildings, signs, and other development within this area are designed and constructed so as not to be unsightly, undesirable, or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development and appearance of the neighborhood.
3. **Preserve and enhance the historic milltown character of downtown Westwood.** These guidelines require that new structures and alterations to existing structures in commercial districts be designed with consideration for preserving and enhancing the historic milltown character of Westwood. These guidelines provide a means of helping people assess how proposals are consistent with this design theme.
4. **Articulate the design preferences and expectations of the Westwood Community.** The text identifies the Community's design preferences. Applications submitted are expected to incorporate these preferences.
5. **These design guidelines take the lead in design related issues.** Lassen County has many documents that address design such as: the General Plan, Area Plan, and the Zoning Code. These documents are typically more general in nature than the Design Guidelines contained herein. The guidelines are more focused on design and more specific. The guidelines shall take the lead on design issues, but they need to be used in conjunction with other County regulations.

I. SITE DEVELOPMENT GUIDELINES

GOALS

- To provide and maintain a pedestrian-friendly environment that encourages visitors.
- To ensure new land uses are compatible with existing development, and the goals and vision of the Westwood Community.

A. Placement of Structures

Roofing

Roofing of all structures should be designed or oriented on the site to not dump snow on other buildings, adjacent properties, or on sidewalks.

Commercial Buildings

Building setbacks from side and front property lines should be similar to the adjacent building(s).

Industrial Uses

Screen landscaping and a buffer area should be provided when industrial uses are adjacent to a different land use designation or a public street.

II. BUILDING DESIGN GUIDELINES

GOALS

- To enhance and preserve the architectural features of Westwood.

A. GENERAL

Building Scale and Shapes

No building shall be permitted in which the design or exterior appearance is of such an unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted tastes.

The scale of new construction should be consistent with the scale of adjacent buildings.

Buildings should not be over two stories in height within the Central Business Area.

Awnings

Awnings should be designed to shed snow or be removable for storage during the winter months.

Commercial Buildings

Free-standing buildings shall be designed and detailed consistently on all sides, including the rear and side elevation.

Central Business Area

Facades of new or remodeled buildings should retain the continuity of existing aesthetically appropriate or design preferred buildings within the community.

New buildings should include covered porches, or recessed entries to emulate the covered porch.

B. MATERIALS

Building Exterior

Although the use of traditional materials in new construction and building renovation is encouraged, alternate materials may be used, provided that the exterior appearance of the building resembles traditional materials.

Roofs/Coverings

Metal roofs shall not be reflective.

C. COLORS

Buildings should not be painted in florescent, luminescent, or other extreme colors which detract from the appearance of the neighboring property and the community as a whole.

Commercial Districts

The proposed building design and colors should enhance the visual character of the environment and the historic character of the district, and should strive to complement other buildings consistent with the historic theme. Natural stained wood, earth tone, and off-white are acceptable colors within commercial districts. Other colors may be found acceptable upon design review.

The colors of the roof, siding, porch, awnings, and trim of the building should complement each other.

22. The applicant proposes to paint the proposed building yellow or beige to match the mini-storage buildings on the adjacent parcel (see submitted color sample).

23. The following goals, policies, and implementation measures from the *Westwood/Clear Creek Area Plan, 2002* generally pertain to the project:

- GOAL L-2: New development compliments and builds upon the positive characteristics of the community and does not cause significant adverse impacts to local natural and community resources.
- POLICY LU-8: Tree cutting within communities for the purpose of clearing land for development should be minimized, compatible with the setting, and limited to areas needed for structures, installation and operation of facilities, safety, fire protection, and visual enhancement.
- GOAL L-3: Neighborhoods which offer safe and pleasant living environments for residents of the planning area.

- POLICY LU-11: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.
- IMPLEMENTATION MEASURE LU-F: In the course of reviewing development proposals, the County will consider how proposed development will relate to and affect the quality of neighborhoods in the vicinity and will consider mitigation measures, conditions of approval, and other means to protect the safety and quality of life in those neighborhoods.
- GOAL L-4: A thriving and pedestrian-friendly central business area in Westwood with an interesting and complimentary blend of commercial, service, and community activities.
- POLICY LU-12: The area plan designates a special central business area in Westwood that is primarily commercial in character but which also accommodates community and institutional services.
- POLICY LU-13: The County supports special planning efforts and projects to encourage revitalization and enhancement of the Westwood central business area.
- GOAL L-9: Increased community wealth, job opportunities and the provision of needed commercial services through economic growth and diversification by supporting the expansion of existing commercial operations and by encouraging new commercial ventures in appropriate locations.
- GOAL L-10: New commercial development in designated areas that are designed and operated to compliment and enhance the community.
- POLICY LU-18: The County supports the economic viability of existing communities and will minimize the development of scattered commercial uses by directing commercial uses to town centers and commercial areas or the orderly expansion of such areas, with limited exceptions including home occupations, agricultural-related sales, and specially-considered local convenience and highway commercial sites.
- IMPLEMENTATION MEASURE LU-M: Zoning for commercial uses will be limited to areas designated for commercial land uses as indicated in the area plan land use maps.
- IMPLEMENTATION MEASURE LU-N: The County will clarify and strengthen design review and code compliance provisions applicable to commercial districts in the planning area.
- GOAL L-26: All buildings in the planning area should be sound, safe and pleasant in appearance and the condition and appearance of property should not be detrimental to the character and value of the neighborhood.
- POLICY LU-43: The County supports progressive efforts and redevelopment programs to rehabilitate dilapidated structures and properties in the planning area or replace dilapidated structures with buildings that are sound, safe and pleasant in appearance.

SCENIC RESOURCES AND DESIGN STANDARDS

- GOAL CC-1: A pleasant rural setting where architecture and development features compliment the visual quality of the landscape and do not significantly detract from it. Buildings are designed and maintained to compliment the forest and mountain character of the local landscape.
 - GOAL CC-2: Buildings and property are maintained to present a well-kept, pleasant appearance that compliments and does not detract from the appearance of neighboring property and the community as a whole.
 - GOAL CC-3: In Westwood the appearance of buildings in the town center compliment and do not significantly detract from the historic heritage of the community and most buildings incorporate design elements from early mill town architecture.
 - POLICY CCE-2: The Area Plan includes land use designations for which the zoning will require design review of new structures. Design review procedures shall encourage that the appearance of structures will support the visual resource goals of the area and ensure that buildings, signs, and other development within these areas are designed and constructed so as not to be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development and appearance of the neighborhood.
 - POLICY CCE-5: Development of land adjacent to Westwood and Clear Creek should be subject to design guidelines that are compatible with the guidelines of the adjacent community.
 - MEASURE CCE-H: The use of adequate and visually attractive fencing and natural screening will be encouraged to screen outdoor storage and visual intrusions that are allowed under established zoning provisions.
24. Pursuant to Lassen County Code § 18.118 (Design Review Guidelines), the Architectural Review Committee may make one of the following determinations:
- a. Approve the application as submitted; or
 - b. Suggest any changes in the plans it deems necessary to accomplish the purpose of applicable design standards; or
 - c. Refer the application to the Planning Commission for a decision.

Code Requirements

1. The applicant will secure a building permit from the Department of Planning and Building Services before construction of the proposed building.

MLA:smr



County of Lassen
Department of Planning and Building Services

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

July 12, 2019

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

McNeill Storage Properties, LLC
406 Ash Street
Westwood, CA 96127

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Juan Jimenez, President
Crazy J's Concrete, Inc.
472-250 Diamond Crest Road
Susanville, CA 96130

RE: Design Review #2019-020, McNeill Storage Properties, LLC

This letter is to inform you that this Department has determined that the above-referenced application is incomplete and is providing you an opportunity to submit supporting information necessary for this Department to accept said application as complete, under Government Code Section 65943.

At this time, there are three broad items that must be addressed:

1. Landscape Plan/Replacement of Trees and Vegetation

The *Community of Westwood Design Guidelines, 2004* (Westwood Design Guidelines) states a follows:

All requests for new construction within commercial and industrial districts shall contain a landscape plan showing, at a minimum, location of existing trees, the location of any trees to be removed, proposed planting and irrigation detail.

The removal of trees along the street is prohibited unless the tree is in danger of falling, diseased, not consistent with an approved landscape plan or an adopted area-wide plan, or otherwise creates a safety concern.

A replacement tree should be planted in the same relative location as the tree that was removed; or, if removed to facilitate development, at a location on the same property as the tree that is removed.

Mr. Jimenez has indicated that several of the trees and brush on-site will be removed if this project is ultimately approved. The above guidelines require a landscape plan that shows "at a minimum, [the] location of existing trees, the location of any trees to be removed, proposed planting and irrigation detail." Please provide this to our office. Are you proposing to replace any of the trees that will be removed?

2. Clarification Regarding Roof Pitch and Length of Roof Overhang

The design review application you submitted to this Department on June 24, 2019, states that proposed roof pitch is 2 in 12, while the sample drawings you submitted along with the application show a 0.5 in 12 roof pitch. In addition, please be aware that the Westwood Design Guidelines state as follows:

Within industrial areas, pre-manufactured buildings are to avoid the generic, off-the-shelf appearance. The use of a typical utilitarian design with an exposed low, pitch (2:12) roof, no overhang, single color, flat walls, and unorganized window openings is discouraged. If these buildings are to be used, one of the following design approaches should be employed:

- a. *The low pitch roofs should be hidden behind a parapet, or;*
- b. *The roof pitch should be increased to a minimum of 4:12 and the overhangs should be commensurate with the scale of the building (e.g., 3 to 4 foot overhangs on a 14' eave height).*
- c. *Include features such as; offsets in the wall planes, recessed entry areas, metal canopies, several colors, accent color bands, multiple siding profiles.*
- d. *Roof structures over entry ways should be designed to dump snow away from pedestrian traffic and walkways.*

Your submitted pictures show both no roof overhang and some roof overhang, depending on the side of the building. Please clearly indicate what the proposed length of the roof overhang will be, and whether and how it might be different on different sides of the proposed mini-storage building.

3. Lighting, Signage, and Undergrounding of Utilities

The Westwood Design Guidelines have several policies related to lighting and signage. Will there be any lighting or signage proposed? Also, will there be any utilities related to the proposed mini-storage building? The *Westwood /Clear Creek Area Plan, 2002* states as follows:

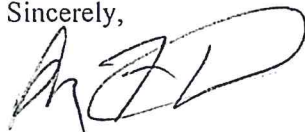
Policy CCE-4: The County supports the undergrounding of utilities in the planning area.

Implementation Measure CCE-I: In the review of development projects in the planning area, utility lines will be required to be installed underground unless there are substantial reasons to demonstrate that undergrounding of certain utility lines is not feasible.

Again, this Department cannot accept your application as complete (as described at Government Code Section 65943) at this time until the above items are satisfied. In order to process your application properly, this Department needs as specific information as possible. Once the above is submitted and your application is accepted as complete, your application will be processed as stipulated in Chapter 18.118 of the Lassen County Code, titled "Design Review."

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

Sincerely,



Maurice L. Anderson,
Director

MLA:smr

Enclosures: Lassen County Code Chapter 18.118, titled "Design Review"

S:/PLA/Planning/2019/DR #2019-020, McNeill Storage Properties, LLC/Hold Letter

[Lassen County Code](#)[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 18 ZONING](#)

Chapter 18.118 DESIGN REVIEW

18.118.010 When required.

Design review shall be required for buildings, structures, or other external improvements including, but not limited to, landscaping, fences and parking areas in D design combining districts, or as otherwise required by this title, to ensure that the visual impacts of such projects will not be adverse to the public or general neighborhood, hinder the orderly and harmonious development of the county or otherwise affect the general prosperity and welfare of its residents. Design review may also be required as a condition of use permits or planned development permits or as a method to implement standards in the general plan, an area plan or a specific plan or as otherwise deemed necessary. (Ord. 467 § 69, 1984).

18.118.020 Consideration of design application.

(a) Consideration of the design application shall include:

- (1) Conformance with the specified intent or criteria of certain applicable districts or uses;
- (2) Standards and provisions of the general plan or any applicable area plan;
- (3) Conformance with an applicable specific plan; or
- (4) Conditions specified in applicable use permits or planned unit development permits.

(b) To these ends, design review shall serve as a format to suggest any changes in the plans of such proposed buildings, structures and other improvements as may be deemed necessary to accomplish the purpose of this chapter. No plan shall be approved until the county is satisfied that such purposes will be accomplished. (Ord. 467 § 69, 1984).

18.118.030 Application.

(a) Application for design review shall be made in writing on a form prescribed by the planning department and shall be accompanied by plot plans, drawings or sketches showing the elevations of the proposed building or design of other external improvements. Two copies of application forms and supplemental graphics shall be submitted to the planning department.

(b) The application, when complete, shall serve as documentation of the proposed design of the project as it will appear after the work has been completed. Approval of the application shall only apply to the design as presented therein and substantial deviation from a design as approved shall require amendment of the application or submittal of a new application. (Ord. 467 § 69, 1984).

18.118.040 Design review.

(a) The architectural review committee (ARC) shall consist of the director of community development, who shall act as chairman, the county building official and a planning commissioner to be appointed annually by the chairman of the planning commission. The ARC shall review all design review applications, except as herein provided, within fourteen days from acceptance of the application. The ARC may either approve the application as submitted or shall suggest any changes in the plans as it may deem necessary to accomplish the purpose of the design district or applicable standards. The ARC may refer any application to the planning commission for decision. In such case, the planning commission shall hold a hearing on said application and shall render its decision thereon within thirty days after completion of the hearing. Any such application referred to the planning commission for decision shall be subject to the appeal provisions contained in Section 18.118.060.

(b) In the case of designs for the construction or exterior remodeling of single-family dwellings and/or accessory structures, or minor remodeling of any structure within a design combining district or otherwise subject to design review, the department of community development may review the application using as its criteria the intent of the district as

herein described or referenced and any appropriate guidelines that may be formulated through the ARC for the purpose of review. The department may, within five working days, approve the design review application when satisfied that the design accomplishes the intent of the review. The department may refer any application to the ARC for decision. Any such application referred to the ARC for decision shall be subject to the appeal provisions contained in Section 18.118.060.

(c) A copy of all approved design review applications shall be forwarded to the building official. (Ord. 467-X § 14, 2000; Ord. 467 § 69, 1984).

18.118.050 Waiver of design review.

Design review may be waived for minor exterior remodeling or repair projects when, upon examination of the plans, it can be determined that the work will not constitute a significant change or have a substantial visual impact upon the appearance of a structure as exposed to the general public and neighborhood (e.g., replacement of foundation, steps, construction of decks and patios screened from public view, or for any additions designed to match the colors and materials of existing structures). (Ord. 467-W § 10, 1998; Ord. 467 § 69, 1984).

18.118.060 Appeal.

Following shall be the appeal procedure for design reviews performed in accordance with this chapter:

(a) If the applicant is not satisfied with the action of the department of community development, s/he may request that the ARC review the design. The ARC shall review and render its decision upon such applications within fourteen days of the request.

(b) If the applicant is not satisfied with the action of the ARC, s/he may, within thirty days after such action, appeal in writing to the planning commission. The planning commission shall hold a hearing on said appeal and shall render its decision thereon within 30 days after completion of the hearing. Any appeal hearing shall be de novo.

(c) If the applicant or any interested person is not satisfied with the action of the planning commission may, within ten days after such action, appeal in writing to the board of supervisors. The board shall hold a hearing on said appeal and shall render its decision thereon within thirty days after completion of the hearing. Any appeal hearing shall be de novo. (Ord. 467 § 15, 2000; Ord. 467 § 69, 1984).

View the [mobile version](#).

September 10, 2019

County of Lassen
Department of Planning and Building Services
707 Nevada St. Suite 5
Susanville, CA 96130
Attn: Maurice Anderson, Director

RE: Design Review #2019-020, McNeill Storage Properties, LLC

This letter is in response to the correspondence letter received from Maurice Anderson dated July 12, 2019. It serves as response to the three items that needed to be addressed to accept the design review application as complete.

1. Landscape plan/ replacement of trees and vegetation

A site plan showing removal and replacement of trees will be submitted with this letter.

2. Clarification regarding roof pitch and length of roof overhang

The 2 in 12 roof pitch that was stated on the design review application was incorrect. Also, please disregard previously submitted pictures. The roof pitch of the proposed building is 0.5 in 12. I have attached a picture of a sample of what the end wall of the building that is facing the street will look like with finish trim and 0.5 in 12 roof pitch. The picture is for trim and pitch reference only, please disregard color. As you can see from the sample picture the design of this building is not unsightly, undesirable, or obnoxious in appearance and will not hinder the orderly and harmonious development and appearance of the neighborhood as stated in the Community of Westwood design guidelines page 2 number 2 of the purpose section. Please refer to sheet DET3 of the erection and specifications drawings provided for details of roof overhang and trim design.

The roof pitch and overhang guidelines from page 8 of the Community of Westwood design guidelines (industrial buildings section) specifically refers to pre-manufactured buildings. The proposed building is not a pre-manufactured building, it is a site-built building. Therefore, these design approaches would not apply. One story Mini storage facilities are typically built with little to no overhang to avoid tenants driving into overhangs when maneuvering the drive areas and backing to there units. Please refer to erection and specification drawings for specific overhangs, trim, and other design specifications.

3. Lighting, Signage, and undergrounding of utilities

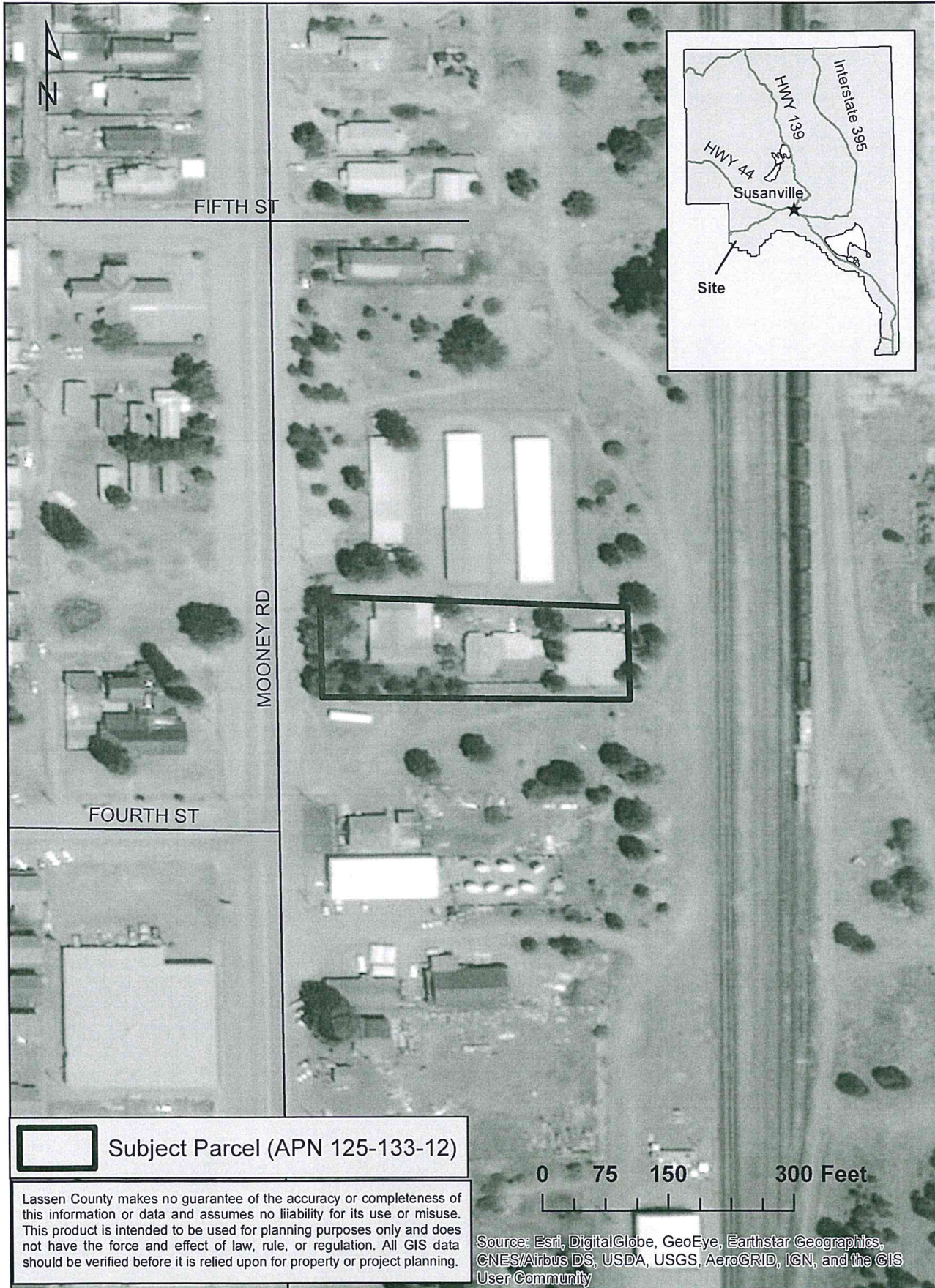
A plot plan that shows proposed lighting and undergrounding of utilities will be submitted with this letter. The existing business sign will remain as the property signage.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Jimenez', with a stylized flourish at the end.

Juan Jimenez, Authorized Agent for:
McNeill Storage Properties, LLC
406 Ash St.
Westwood, CA 96127

Design Review #2019-020, McNeill Storage Properties, LLC





DESIGN REVIEW APPLICATION

RECEIVED

FILING FEE: \$63.00 FOR RESIDENTIAL; \$95.00 FOR MULTI-FAMILY
RESIDENTIAL AND COMMERCIAL; \$127.00 FOR MULTI-UNIT COMMERCIAL
DEPARTMENT OF PLANNING AND BUILDING SERVICES

JUN 24 2019

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

LASSEN COUNTY DEPARTMENT
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
This application consists of two pages; only attach additional sheets if necessary.

FILE NO. DR2019-020

Property Owner/s	Property Owner/s
Name: <u>McNeill Storage Properties LLC</u>	Name:
Mailing Address: <u>406 Ash St.</u>	Mailing Address:
City, ST, Zip: <u>Westwood, CA 96127</u>	City, ST, Zip:
Telephone: <u>626-825-0179</u> Fax:	Telephone: Fax:
Email: <u>livi@mcneillstorage.com</u>	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name: <u>Juan Jimenez</u>	Name:
Mailing Address: <u>472-250 Diamond Crest Rd.</u>	Mailing Address:
City, ST, Zip: <u>Susanville, CA 96130</u>	City, ST, Zip:
Telephone: <u>530-310-1480</u> Fax:	Telephone: Fax:
Email: <u>crazyjsconcrete@gmail.com</u>	Email: License #:

Project Address or Specific Location: <u>406 Ash St. Westwood, CA 96127</u>			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: <u>residential/commercial</u>	General Plan Designation: <u>Central Business District</u>		
Parcel Size (acreage): <u>1.7</u>	Section:	Township:	Range:

Assessor's Parcel Number(s): <u>125-133-12</u>	-	-	-
-	-	-	-

Project Description/Proposed Use of Structure:
<u>Demolition of two residential houses and 1 barn to accommodate a 5,600 sq.ft. 42 unit mini storage Building.</u>
<u>35'X160'</u>

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, or if they have an appropriate contractor's license.)
Date:	Date: <u>5-28-19</u>
Date:	Date:

See associated process form for required attachments and instructions.

Application for design review may be prepared by the property owner or his qualified agent and shall be accompanied by drawings or sketches made clear and legible on sheets of paper at least 8½"x11" in size. Three (3) copies of such applications for design approval shall be submitted to the Planning Department and shall include, but not be limited to, the following information:

1. Plot Plan/Layout Design:

- The location of all existing and proposed structures on the property together with their dimensions, distance between structures and setback distances from property lines.
- Approximate location of all streams, drainage channels, and/or bodies of water and an approximate indication of slope and elevation of the property.
- Names, locations, and widths of all existing and proposed streets or right-of-ways known to the owner as to location on or near the property.
- Proposed type and location of driveway, parking areas, sidewalks, fences, shrubs, landscaping, etc.
- The relation to the existing buildings and structures in the general vicinity and area.
- Location of sewer lines and leach field areas.

2. Setbacks:

Front: Required	<u>30'</u>	Proposed	<u>35'</u>
Side: Required	<u>30'</u>	Proposed	<u>35'</u>
Rear: Required	<u>30'</u>	Proposed	<u>35'</u>

3. Proposed building and/or improvements showing the same as it will appear after the work for which the permit is sought shall have been completed:

Design of proposed construction and/or other improvement (show on drawings).

Height and area of buildings: 10' Eave Height 5,600 Sq. ft. Building

Ground level to roof peak: Approx. 14'

Ground level to top of wall (show on drawings.): _____

Roofing: Type: Metal

Pitch: 2/12

*Color: Yellow - to match existing - (pictures included)

Elevations of proposed building (shown on drawings).

Exterior: Material: Metal

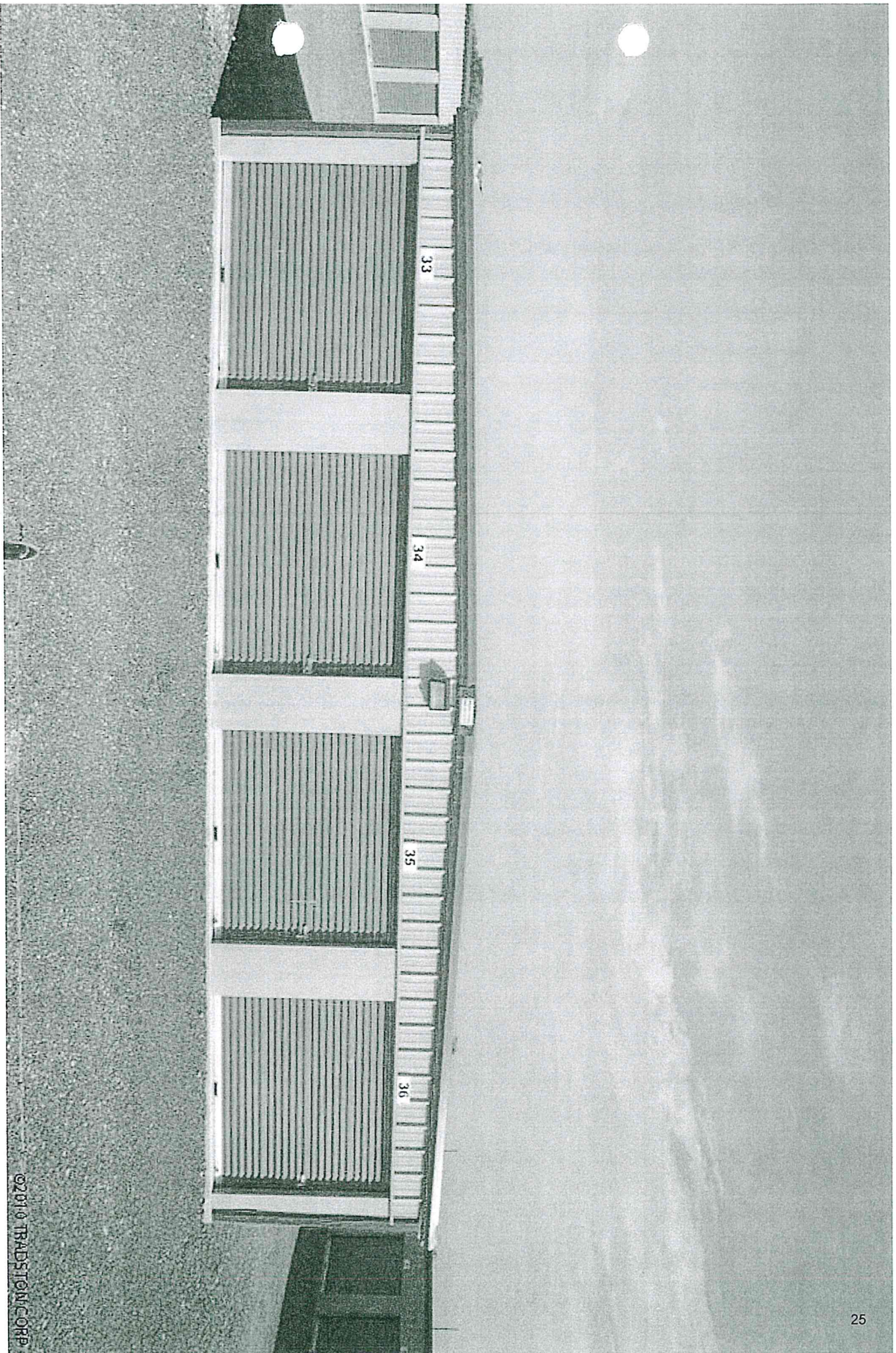
*Color of Siding: Yellow - to match existing - (pictures included)

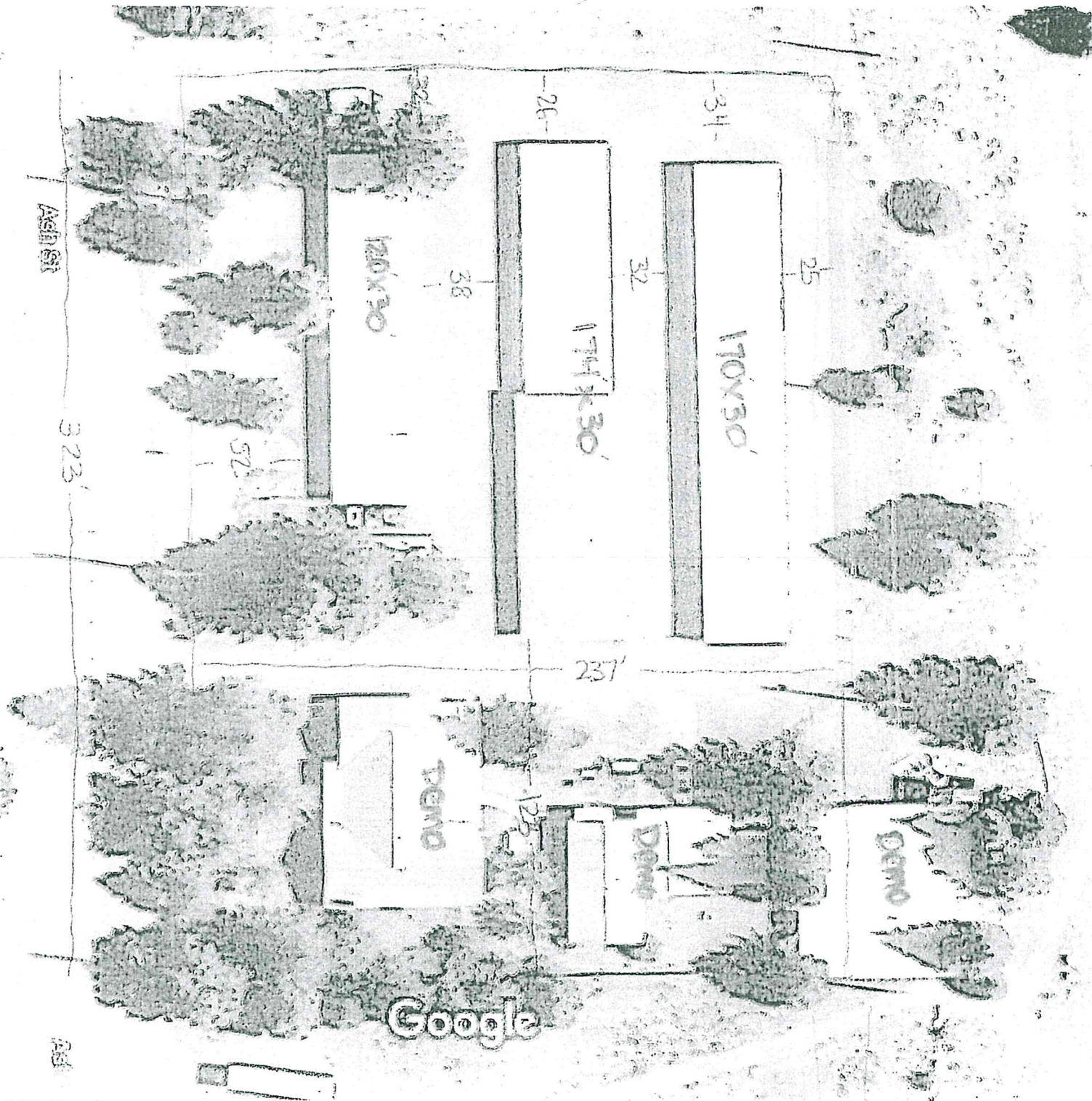
Masonry work - color and materials to be used: _____

***Two (2) color samples of new roof or exterior must accompany this application.**

Staff Use Only: Fire Responsibility Area: ☐ SRA ☐ LRA-very high Chapter 7A materials required: ☐ Yes ☐ No

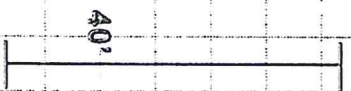
Conference with Cal Fire required: ☐ Yes ☐ No Building Inspector intake review complete (initial): _____ Date: _____





A portion of
the building is off the
property line.

406 Ash St.
UPSTOWN CH
70657



230

BROKEN
FENCE
AREA

REMOVE
TREES

ADD BUMPERS
BUILDING CORNERS

ELECTRIC
UNIT

Trees and Shrubs to be removed

ALL
ING
TE

Enter/Exit

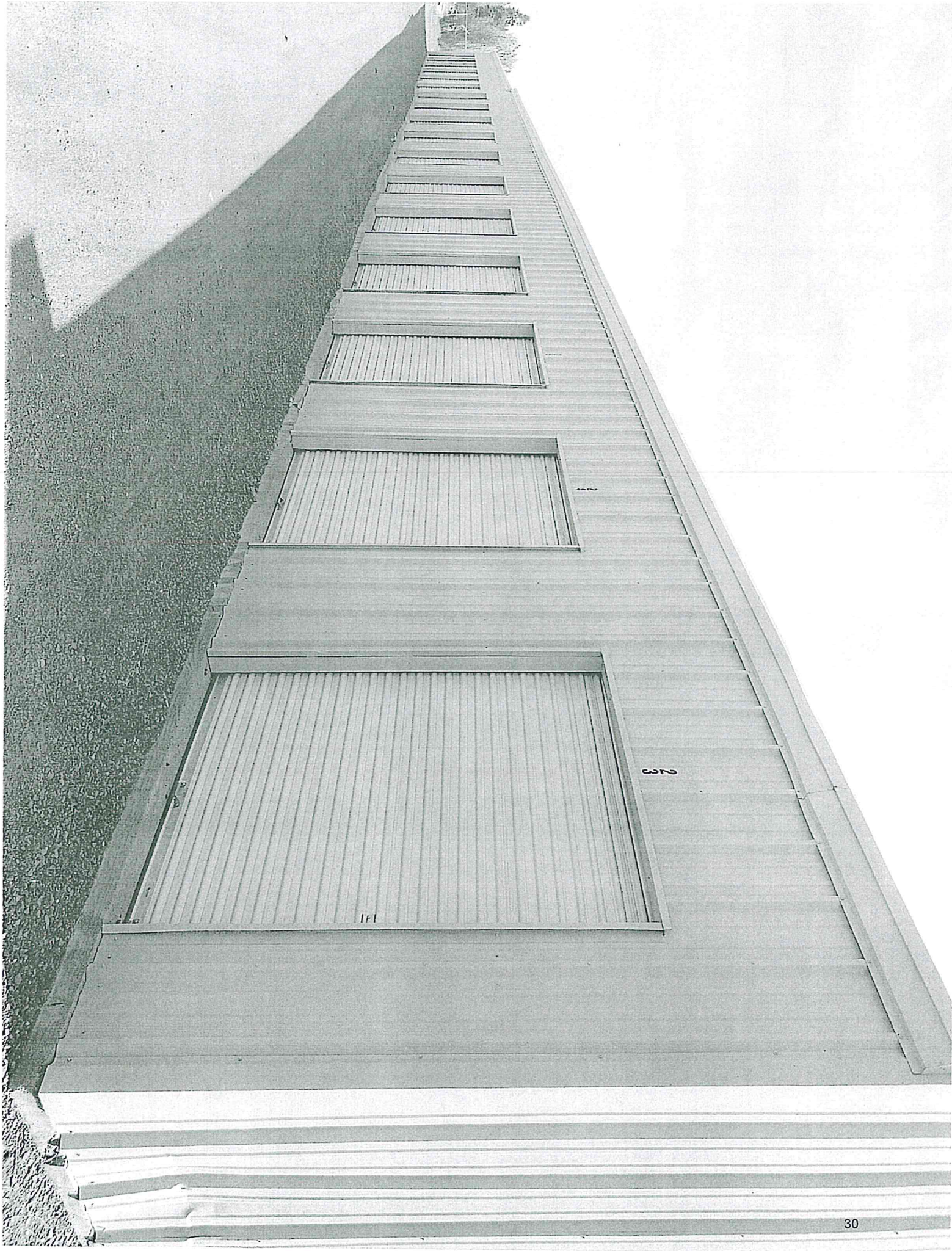
Front

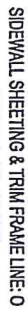
8x10				10x25	10x30	10x30	10x30	10x30	10x30	10x30	10x30	10x25	10x25	10x25	10x25	8x10
8x10	10x25	10x25	10x25	10x25								10x25	10x25	10x25	10x25	8x10
8x10																8x10
8x10																8x10
8x10																8x10
8x10	10x15	10x15	10x15	10x15	10x10	10x10	10x10	10x10	10x10	10x10	10x10	10x15	10x15	10x15	10x15	8x10
8x10																8x10

Back

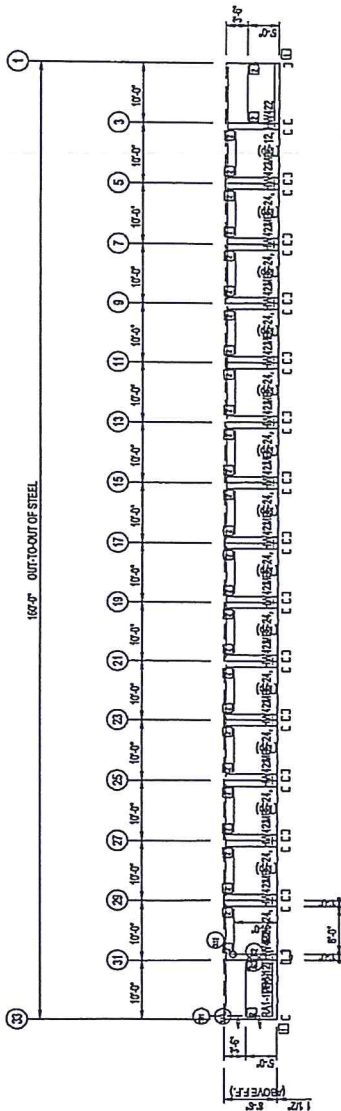
Side



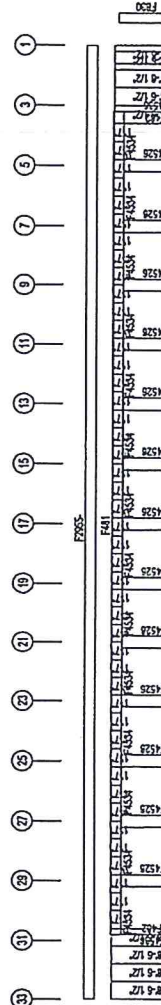


[illegible]

CONNECTION NOTES	
1	MARKUP PART
2	HW218



SIDEWALL FRAMING FRAME LINE: A



SIDEWALL SHEETING & TRIM FRAME LINE: A

PANELS: 28 GA. PRE-PAINTED GALVALUM

ISSUE	DATE	DESCRIPTION	BY	CHKD	DSN
E		N			

PANEL DAPRAGN ACTION AND/OR X BRACING IN THE ROOF AND WALLS IS USED TO PROVIDE THE
 SAME MEANS OF SUPPORT FOR THE BUILDING AGAINST WIND AND SEISMIC LATERAL FORCES. IT IS
 STRONGLY RECOMMENDED TO CONSULT THE ENGINEER OF RECORD FOR THE PROJECT OR OTHER
 RESPONSIBLE PROFESSIONAL BEFORE MODIFYING ANY PART OF THE ROOF OR WALL SHEETING.

PROJECT: Main Avenue		OWNER	
CUSTOMER: Day & Son		BUILDING ID	
LOCATION: Sausalito, CA 94060		JOB NUMBER	
DATE		2344235	
SCALE		E	
N.T.S.		92	

TABLE OF CONTENTS

PLANNING COMMISSION MEETING November 5, 2019

FILE NUMBER: 2019-001
PROPERTY OWNER: Anthony and Mary Foster
TYPE OF APPLICATION: Variance

Staff Report.....	001
Draft Resolutions	005
Letter to Board of Supervisors dated September 18, 2019	009
Parcel Map No. 41-8-82 for Arturo Terzi, recorded at Book 22, Page 9 O.R.	011
Vicinity Map	012
Variance Application and related materials.....	013

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
November 5, 2019

FILE NUMBER:	Variance #2019-001
APPLICANT:	Anthony and Mary Foster
TYPE OF APPLICATION:	Variance
GENERAL LOCATION:	The project site is located at 475-795 Hobo Camp Road, Susanville, CA 96130
ASSESSOR'S PARCEL NUMBER:	107-111-18
PROJECT SITE ZONING:	R-1 (Single-Family Residential District)
GENERAL PLAN:	"Low Density Urban Residential," <i>Susanville Vicinity Area Plan, 1984</i>
ENVIRONMENTAL DOCUMENT:	Exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines
ASSIGNED STAFF:	Stefano Richichi, Associate Planner

AUTHORITY FOR APPLICATION:

Variance Provision, Lassen County Code Section 18.110 et seq. established regulations.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Recommendation to Board of Supervisors
Dept. of Planning and Building Services	Building Permit(s)

PROJECT DESCRIPTION: Proposal to construct a 1,584-square-foot residence within the setback area of an approximately 0.44-acre parcel. Specifically, the applicants are requesting a 15-foot front yard setback instead of the 20-foot front yard setback required by Lassen County Code Section 18.22.050(3). The subject parcel is zoned R-1 (Single-Family Residential District).

At its October 8, 2019, meeting, the Board of Supervisors upheld the Director of Planning and Building Services' determination that said front yard setback was to be measured from the "official plan line" or easement line for Hobo Camp Road and not from the front property line, which is in the easement for Hobo Camp Road, given the definition of a "yard" as found at Lassen County Code Section 18.14.1290. See the attached September 18, 2019, letter to the Board of Supervisors, as well as Parcel Map No. 41-8-82 for Arturo Terzi, recorded at Book 22, Page 9 O.R. Lassen County, for more information.

PROJECT SITE CHARACTERISTICS: The project site is located approximately 2,000 feet west of the intersection of Richmond Road and South Street (near the Honey Lake Valley Community Pool) at 475-795 Hobo Camp Road, Susanville, CA 96130 (APN 107-111-18). Existing improvements on site include

three walls intended to function as a basement for a residence (neither the basement nor the residence were ever completed).

The project site is not within the 100-year flood zone as described by the Federal Emergency Management Agency.

ACCESS/REQUIREMENTS: Access is by way of Hobo Camp Road, which is not a County-maintained road, and South Street, which is a County-maintained road.

SURROUNDING PROPERTY CHARACTERISTICS AND ZONING: Parcels in the immediate vicinity consist of both unimproved land and residential uses owned by private landowners created by Parcel Map No. 41-8-82 for Arturo Terzi, recorded at Book 22, Page 9 O.R. Lassen County, as well as City-owned property to the west.

	Zoning	Parcel Size (acres)	Land Use Designation (Susanville Vicinity Area Plan, 1984)
North	R-1	1.42	“Low Density Urban Residential”
East	R-1	0.53	“Low Density Urban Residential”
South	R-1	0.39	“Low Density Urban Residential”
West	R-1-A	3	“Estate Residential”

R-1 (Single-Family Residential District)

R-1-A (Single-Family Residential District, Agricultural Combining District)

GENERAL PLAN: The subject parcel’s land use designation is “Low Density Urban Residential” in the *Susanville Vicinity Area Plan, 1984*. Said plan describes said land use designation as follows:

Includes residential areas receiving a full range of urban services such as community sewer and water services. May allow high density residential development and may include multi-family units. Density will usually exceed one dwelling unit per acre.

In addition, the *Susanville Area Plan, 1984* states as follows:

Policy 17.1: Lassen County recognizes that urban residential uses are necessary to achieve the County’s goals of compact urban growth and providing housing opportunities for all socio-economic segments of the community. Therefore urban residential uses of both low and high density shall be encouraged in areas where the County’s other goals, objectives and policies can also be attained. Urban residential development shall be served by a full range of services including community sewer, water, and paved streets. Multi-family and lower cost units should be encouraged in suitable locations to provide a range of housing types and costs.

Implementation Measure 17.13: Areas designated as Urban Residential, Low Density on the land use map shall be zoned “R-1”, Single-Family Residential.

The *Lassen County General Plan, 2000*, also identifies the following goals and policies in relation to neighborhood quality:

- Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County (Goal L-8).
- Reasonable development and design review standards which protect communities from poorly designed development which detracts from the overall quality of the area (Goal L-10).
- The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities (Land Use Policy 21).
- The County will continue to utilize design review districts in selected areas in order to ensure that buildings and other substantial developments are designed and constructed so as not to be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development and appearance of the neighborhood (Land Use Policy 23).

LOCAL GOVERNMENTAL SERVICES:

- Fire protection is provided by the Susan River Fire Protection District
- Police protection is provided by the Lassen County Sheriff's Department and the Susanville Police Department
- School service is provided by the Susanville Elementary School District and Lassen Union High School District
- Sewer service is provided by Susanville Sanitary District
- Water service is provided by the City of Susanville Public Works Department

LASSEN COUNTY CODE: Lassen County Code Section 18.22.050(3), which pertains to R-1 districts, states that the front yard setback required is 20 feet.

Lassen County Code Section 18.110.010 states:

When practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this title (the Lassen County Code) may result from the strict application of certain height, yard, or area requirements thereof, variances in such requirements may be granted as provided in this chapter.

Lassen County Code Section 18.110.040 requires that the Planning Commission make written findings of facts showing whether the qualifications under Section 18.110.020 apply to the land, building, or use for which a variance is sought and whether such variance is in harmony with the general purposes of the Lassen County Code. These findings must then be submitted to the Board of Supervisors. The findings of the Planning Commission, and ultimately the Board of Supervisors, must make in order to approve a variance application are found at Lassen County Code Section 18.110.020, and read as follows:

- (1) That there are exceptional or extraordinary circumstances, or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district;*
- (2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;*
- (3) That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. (Ord. 467 § 40, 1984).*

DISCUSSION: The applicant states that the subject parcel “is wide and shallow in depth” and that “the back retaining wall... is constructed using on-site rocks and boulders that take up another 3-5 feet from the building site, thus limiting that actual building depth. To remove the existing cinder block walls and footings would be cost prohibitive.” The applicant believes that these facts demonstrate “exceptional or extraordinary circumstances” as described above.

Furthermore, the applicant asserts that the granting of the application is necessary for the preservation and enjoyment of the applicant’s property rights, and that the application, if granted, would not materially affect adversely the health or safety of persons residing or working in the neighborhood, nor will the granting of the variance be materially detrimental to the public welfare nor injurious to property nor to improvements in said neighborhood.

Resolutions both approving and disapproving the proposed variance application are attached with this staff report.

ENVIRONMENTAL DOCUMENT: The Environmental Review Officer of Lassen County has determined that this proposal is exempt from the California Environmental Quality Act (CEQA) review under Section 15305 of the CEQA Guidelines, which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to... minor lot line adjustments, side yard, and *set back variances* not resulting in the creation of any new parcel.

Staff conducted a site visit as part of the review of this application and confirmed that the exceptions found at Section 15300.2 of the 2019 CEQA Guidelines do not apply to this variance application. Said exceptions would preclude the use of a categorical exemption for this project.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING
THAT THE BOARD OF SUPERVISORS APPROVE VARIANCE #2019-001,
ANTHONY AND MARY FOSTER

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted November 5, 2019, has considered Variance Application #2019-001 filed by Anthony and Mary Foster, to allow for the construction of a residence approximately five feet into the required front yard setback (20 feet), located at 475-795 Hobo Camp Road, Susanville, CA (APN 107-111-18); and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the project is exempt from the requirements of the California Environmental Quality Act under Section 15305 of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That the proposed project is consistent with the *Susanville Vicinity Area Plan, 1984*, and the provisions of the Lassen County Zoning Ordinance.
 - b. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application that do not generally apply to land, buildings, and/or uses in the same district. In particular, the exceptionally rocky topography of the subject parcel would greatly hinder construction if the normal setback were imposed; moreover, such rocky terrain is unusual for (and does not generally apply to) parcels zoned R-1.
 - c. That the variance from the front setback requirement is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
 - d. That the proposed 5-foot variance from the front yard setback requirement will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, nor be detrimental nor injurious to property or improvements in the neighborhood nor to the general welfare.
3. The Planning Commission hereby concurs with the Environmental Review Officer that the project qualifies for an exemption from the California

Environmental Quality Act under Section 15305 of the 2019 California
Environmental Quality Act Guidelines.

4. The Planning Commission hereby recommends that the Board of Supervisors
approve Variance Application #2019-001.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of
Lassen, State of California, on the 5th day of November, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING
THAT THE BOARD OF SUPERVISORS DISAPPROVE VARIANCE #2019-001,
ANTHONY AND MARY FOSTER

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted November 5, 2019, has considered Variance Application #2019-001 filed by Anthony and Mary Foster, to allow for the construction of a residence approximately five feet into the required front yard setback (20 feet), located at 475-795 Hobo Camp Road, Susanville, CA (APN 107-111-18); and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that the California Environmental Quality Act does not apply to projects that are disapproved, pursuant to Section 15270 of the 2019 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That the proposed project is not consistent with the *Susanville Vicinity Area Plan, 1984*, and the provisions of the Lassen County Zoning Ordinance.
 - b. That there are not exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application that do not generally apply to land, buildings, and/or uses in the same district.
 - c. That the variance from the front setback requirement is not necessary for the preservation and enjoyment of substantial property rights of the petitioner.
 - d. That the proposed 5-foot variance from the front yard setback requirement will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, and be detrimental or injurious to property or improvements in the neighborhood and to the general welfare.
3. The Planning Commission hereby recommends that the Board of Supervisors disapprove Variance Application #2019-001.

RESOLUTION NO. _____
Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of November, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission



County of Lassen
Department of Planning and Building Services

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

September 18, 2019

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: Board of Supervisors
Agenda Date: October 8, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director *MAH*

SUBJECT: Appeal of the Director of the Department of Planning and Building Services' August 19, 2019, interpretive action regarding required setbacks for a residence proposed at 475-795 Hobo Camp Road, filed by Anthony Foster (Assessor Parcel Number 107-111-18).

ACTION REQUESTED:

1. Conduct a public meeting pursuant to Lassen County Code Section 18.122.050; and
2. Grant the appeal, or
3. Disapprove the appeal.

SUMMARY:

As authorized at section 18.122.050 of Lassen County Code, Mr. Anthony Foster has filed an appeal (attached) of an August 19, 2019, determination made by the Director of the Department of Planning and Building Services (Director) in regard to the front yard setback (e.g. yard) required for the above referenced parcel. Specifically, the Director determined that a 20-foot front yard setback is required. Further, the Director determined that, in accordance with section 18.14.1290 (attached), said setback is from the "official plan line" for Hobo Camp Road. Hobo Camp Road is described on the parcel map recorded at Book 22, Page 9 of the Official Records of Lassen County and is also described in an easement issued by the Bureau of Land Management recorded at Book 407 of Official Records, Page 320.

In accordance with the above section, the 20-foot setback is from either the property line to any proposed building, or, if applicable, the setback is from the "official plan line" for Hobo Camp Road to any proposed building. In pertinent part, section 18.14.1290 reads as follows:

"...the measurement shall be taken from the line of the building to the nearest lot line, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, **then such measurement shall be taken from such official plan line or such future width line to the nearest line of the building.** (Emphasis added).

The Lassen County Code does not provide a definition for the official plan line of a street. Thus, in accordance with Lassen County Code Chapter 18.122 (attached), and in response to a written request from the property owner submitted on July 22, 2019 (attached), the Director determined that the easement line for Hobo Camp Road is the official plan line described in the above section. The

easement line for Hobo Camp Road was determined to be the official plan line because it is shown on both a recorded parcel map, approved by the Board of Supervisors, Planning Commission and others as well as being described in a recorded document.

In his July 22, 2019, letter, the property owner requested a five-foot reduction in the front yard setback as measured from the easement line for Hobo Camp Road; as part of his August 28, 2019, appeal letter, the property owner is now requesting a three-foot reduction in the front yard setback from the easement line for Hobo Camp Road (or a 17-foot front yard setback in lieu of the above-described 20-foot setback). If the Board upholds the Director's determination, a variance application would be required to consider the proposed reduced setback.

Again, the above is a summary only. More detailed analysis and discussion can be found in the Director's August 19, 2019, determination, the applicants appeal received August 28, 2019, the applicant's original request received July 22, 2019 and the other attached documents.

MLA:smr

Enclosures: Appeal from Mr. Foster filed August 28, 2019
Letter from the Department of Planning and Building Services dated August, 19, 2019
Letter from Mr. Foster submitted July 22, 2019
Parcel Map No. 41-8-82 for Arturo Terzi, recorded at Book 22, Page 9 O.R. Lassen County

PLA/Admin/Files/318.03.18.01/2019/Foster Appeal/Board Letter

RECORD TITLE INTEREST CERTIFICATE

I the undersigned hereby certify as follows:
1. I and all of the parties having any record title interest in the real property subdivided by this map, within the meaning of paragraphs 60452 and 60445 of the Government Code of California.

2. I do hereby consent to the preparation and recordation of this map.
ARTURO TERZI

NOTARY ACKNOWLEDGMENTS

State of California
County of Lassen
On 11/11/82, before me, the undersigned, a Notary Public and for said State, personally appeared
I, Arturo Terzi,
Known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.
WITNESS my hand and official seal

Signature _____
Printed Name _____

COUNTY TAX COLLECTOR'S CERTIFICATE

I, Beatrice Price, Tax Collector of Lassen County, certify that there are no tax liens against 107-111-01-11 as hereon set forth, or unpaid State, County, Municipal, or Local taxes or special assessments, collected as taxes, except taxes which are a lien but not yet due or payable. I estimate the latter to be in an amount not to exceed \$39.90

Signature _____
Beatrice Price, Lassen County Tax Collector

SUPERVISOR'S CERTIFICATE

The Lassen County Board of Supervisors approved this Parcel Map for Terzi

This 25th day of February, 1983, per Sections 25300 and 25301 of the California Code of Civil Procedure, the Board of Supervisors has approved this map does not imply acceptance of the roads shown as access easements into the County maintained system and no road maintenance service will be performed by the County prior to the acceptance by the Board of Supervisors.

Signature _____
Chairman, Board of Supervisors

LASSEN COUNTY PLANNING COMMISSION

I, Robert K. Sorvaag, Secretary of the Lassen County Planning Commission, hereby certify that Parcel Map as shown hereon is substantially as it appeared on the approved tentative map, and any approved alterations thereof.

Signature _____
Robert K. Sorvaag, Secretary

SURVEYOR'S CERTIFICATE

This Map correctly represents a survey made by me in conformance with the requirements of the Surveyors Act in Nov. 1982.

Signature _____
J. S. No. 4723

COUNTY SURVEYOR'S CERTIFICATE

This Map has been examined for conformance with the requirements of the Land Surveyors Act this 25th day, March 1, 1983

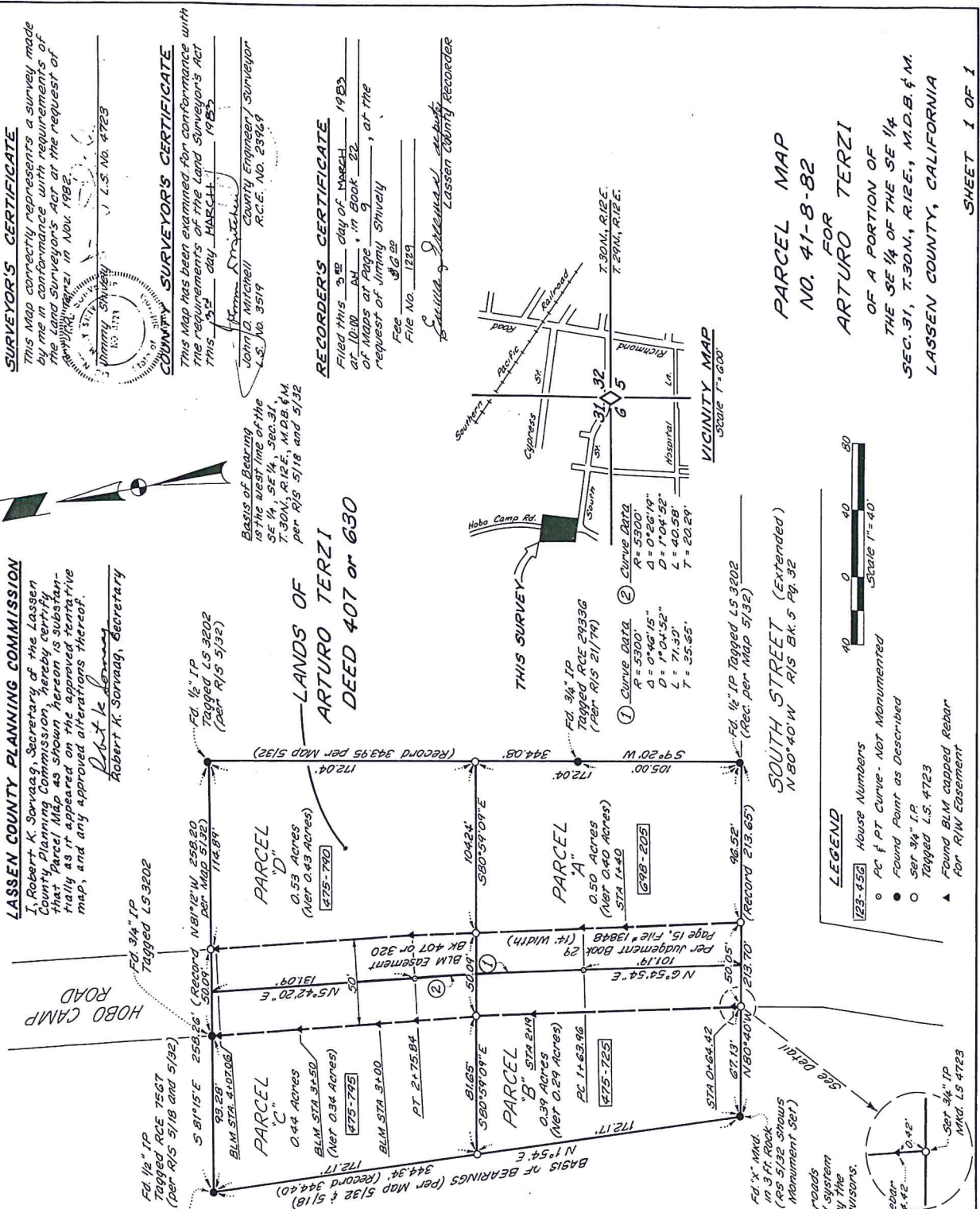
Signature _____
John D. Mitchell, County Engineer, Surveyor
J.S. No. 3514
R.C.E. No. 23924

RECORDER'S CERTIFICATE

Filed this 25th day of March 1983 at 10:00 AM in Book 22 of Maps at Page 9, at the request of Jimmy Shively

File No. 12219

Signature _____
Lassen County Recorder



PARCEL MAP

NO. 41-B-82

FOR

ARTURO TERZI

OF A PORTION OF

THE SE 1/4 OF THE SE 1/4

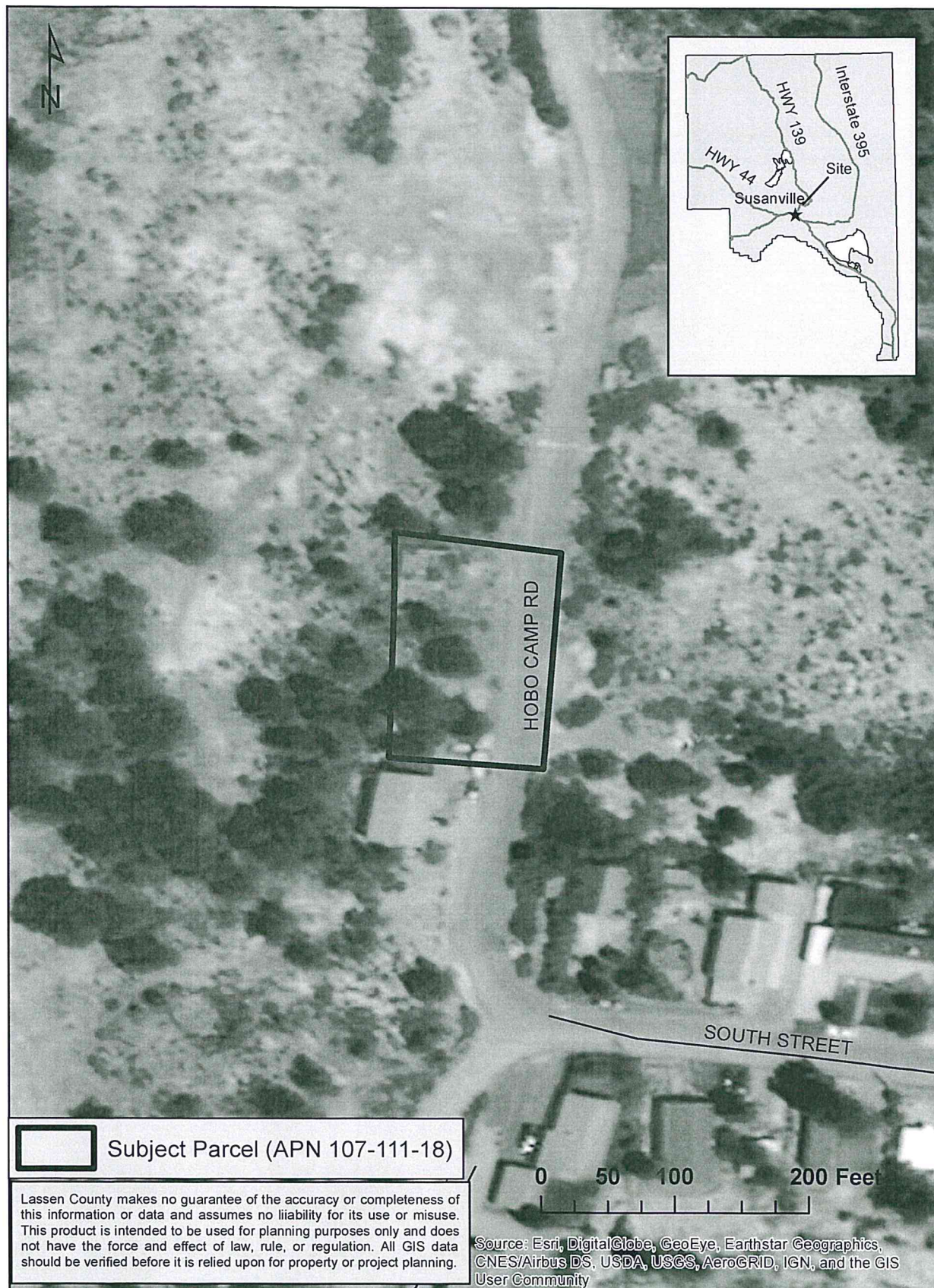
SEC. 31, T. 30N., R. 12E., M.D.B. & M.

LASSEN COUNTY, CALIFORNIA

SHEET 1 OF 1

BOOK 22 PAGE 9

Variance #2019-001, Foster





VARIANCE APPLICATION

RECEIVED

FILING FEE: \$571.00
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

OCT 08 2019

LASSEN COUNTY DEPARTMENT OF

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of two pages; only attach additional sheets if necessary.

PLANNING AND BUILDING SERVICES

FILE NO. VA #2019-001

Property Owner/s	Property Owner/s
Name: <u>Anthony Foster</u>	Name: <u>Mary Foster</u>
Mailing Address: <u>65 Small St</u>	Mailing Address: <u>65 Small St</u>
City, ST, Zip: <u>Susanville CA 96130</u>	City, ST, Zip: <u>Susanville CA 96130</u>
Telephone: <u>817-228-0386</u> Fax: <u>—</u>	Telephone: <u>530-250-5927</u> Fax: <u>—</u>
Email: <u>adfoster52@gmail.com</u>	Email: <u>mjez2011@gmail.com</u>

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input checked="" type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name:	Name:
Mailing Address:	Mailing Address:
City, ST, Zip:	City, ST, Zip:
Telephone: Fax:	Telephone: Fax:
Email:	Email: License #:

Project Address or Specific Location: <u>475-795 Hobo Camp Rd</u>			
Deed Reference: Book: <u>107</u>	Page: <u>11</u>	Year:	Doc#:
Zoning: <u>Residential</u>	General Plan Designation:		
Parcel Size (acreage): <u>.44</u>	Section: <u>31</u>	Township: <u>30N</u>	Range: <u>R12E</u>

Assessor's Parcel Number(s):	-	-	-	-
<u>107-111-1811</u>	-	-	-	-

Project Description:
<u>Build a one-story house with a walk-out basement and detached garage/workshop CHANGE BUILDING SETBACK FROM 20' TO 15'</u>

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).
<u>[Signature]</u> Date: <u>10-08-19</u>	Date:
<u>Mary Foster</u> Date: <u>10-08-19</u>	Date:

-TO THE LASSEN COUNTY PLANNING COMMISSION-

In accordance with the provisions of the Zoning Ordinance of the County of Lassen, application is hereby made for a variance in the strict application of the regulations of said Ordinance to permit:

On property located at 475-795 HOBO CAMP RD +
Lot "C" Block 18 Tract 107-11 Owner Foster (Terzi)

The answers to the following questions are submitted to substantiate my petition for a variance:

- a. Are there exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district? (Explain)

See attached

- b. Is the granting of the application necessary for the preservation and enjoyment of the property rights of the petitioner?

Yes.

- c. Will the granting of this application, under the circumstances of the particular case, materially effect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, or will it be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood?

No.

(Additional sheets may be attached to and made a part of this application).

Variance Application, Item a:

Our original request was for a variance of 15 feet and was amended to 17 feet when resubmitted hoping that it would be approved. In this variance request we would like to obtain a 15 foot to 17 foot approval (preferably a 15 foot).

The lot is wide and shallow in depth and we will be building within an existing foot print using the ICF block wall system. The ICF blocks are approximately 14 inches deep with an additional 2 feet distance between the original wall and the ICF wall.

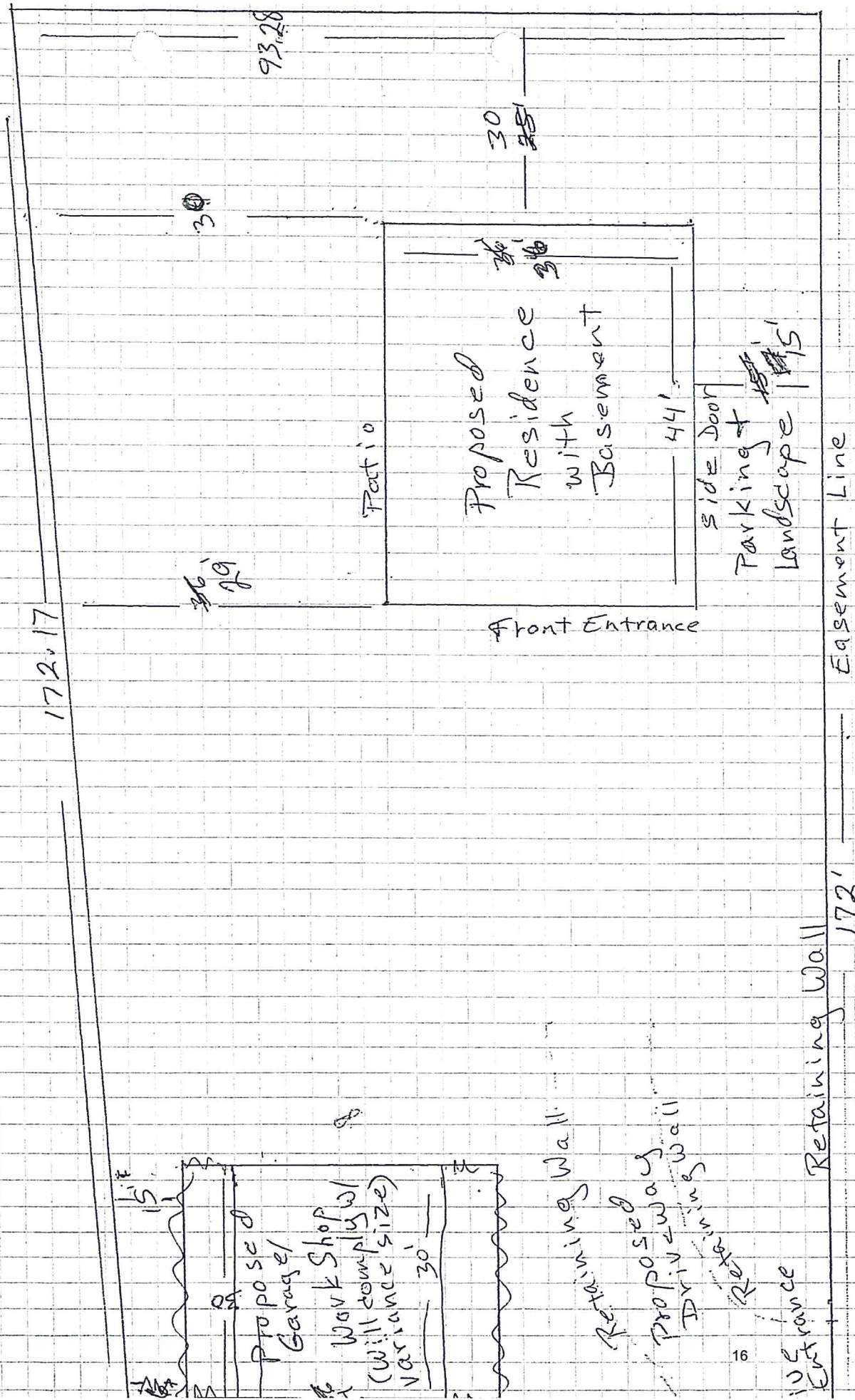
In addition, the back retaining wall of the property is constructed using on-site rocks and boulders that take up another 3-5 feet from the building site, thus limiting the actual building depth.

To remove the existing cinder block walls and footings would be cost prohibitive.

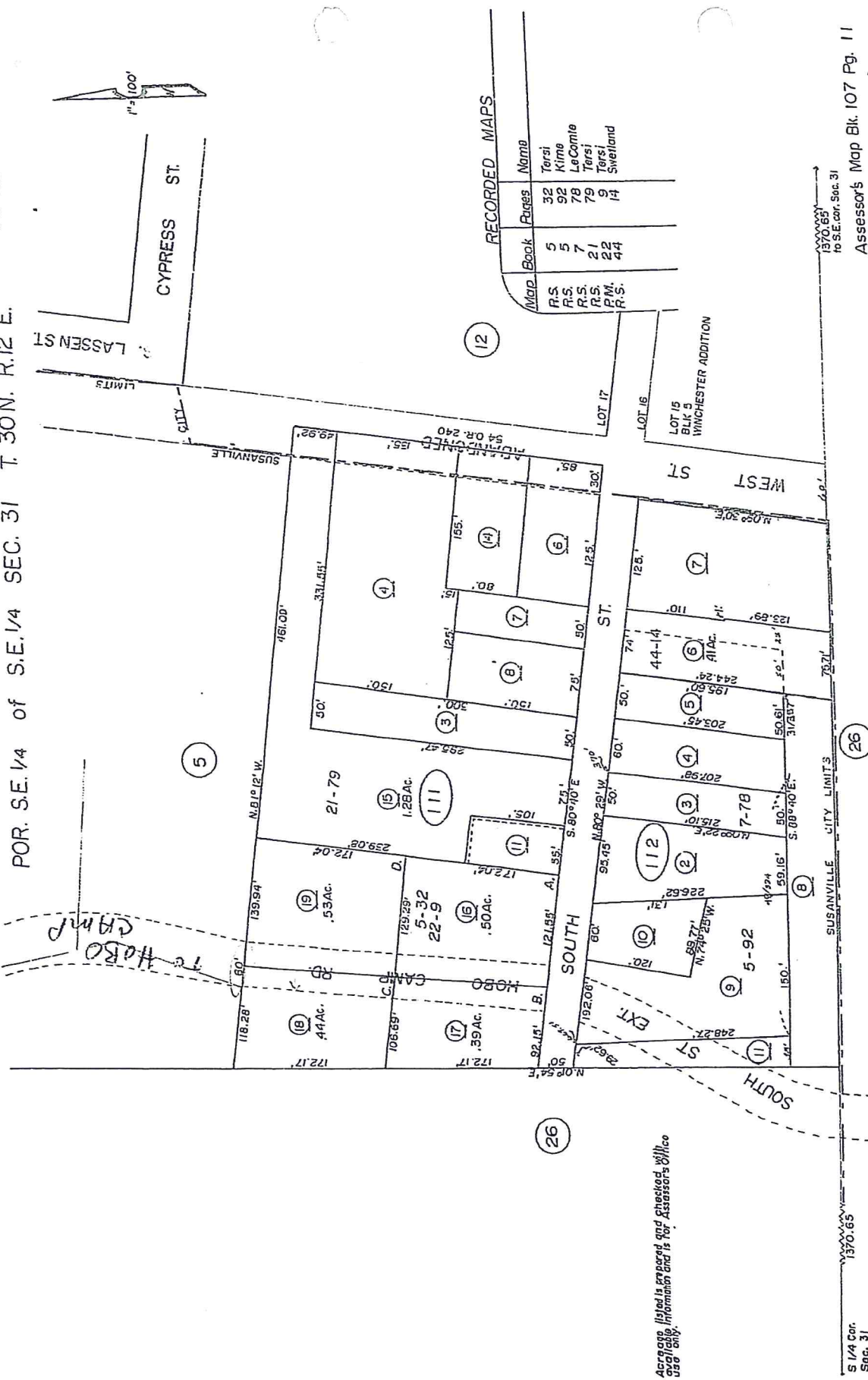
SITE Plan

675-795 Hobo Camp Rd.

Not to scale



POR. S.E. 1/4 of S.E. 1/4 SEC. 31 T. 30N. R. 12 E.



to S.E. cor. Sec. 31
Assessor's Map Blk. 107 Pg. 11
County of Lassen, CA.

NOTE.- Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Acresage listed is prepared and checked with available information and is for Assessors Office use only.





County of Lassen
Department of Planning and Building Services

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

October 31, 2019

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 Planning Commission
Agenda Date: November 5, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Draft Cargo Container Ordinance (File #318.01.53)

This memorandum follows similar memoranda that were part of the packet for the June 17, 2019, special meeting of the Planning Commission, and its August 6, 2019, September 3, 2019, and October 1, 2019, regular meetings. The above public hearing for the ordinance has been continued to November 5, 2019.

BACKGROUND:

At its October 1, 2019, meeting, the Planning Commission directed staff to ask County Counsel if it were legal for the draft ordinance to be applied retroactively. Although the Department of Planning and Building Services has not received a response from County Counsel at the time of writing of this letter to the Planning Commission, Counsel has indicated that a response will be provided to the Planning Commission for its November 5, 2019, meeting. Please see the attached memorandum to County Counsel, dated October 10, 2019, for more information.

SUMMARY:

The Planning Commission will make a recommendation to the Board of Supervisors in regard to the draft ordinance. The Planning Commission may suggest any changes it deems fit to any of the components of the draft ordinance, including any recommended deletions or further additions. Alternatively, the Planning Commission may direct staff to incorporate changes to the draft ordinance and return to the Planning Commission for an additional hearing prior to making a recommendation to the Board of Supervisors. The language contained in the draft ordinance has not changed since the October 1, 2019, meeting.

MLA:smr

Enclosures: Draft Ordinance
Memorandum to County Counsel, dated October 10, 2019

S:/PLA/Admin/FILES/318.01.53/PC Memo (for 5th Meeting)

ORDINANCE NO. _____

Ordinance to Regulate the Placement of Cargo Containers throughout Lassen County

The following ordinance, consisting of three 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 ____th day of _____, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

JEFF HEMPHILL
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 ____th day of _____, 20____.

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 from the date of 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: Add Section 18.108.300 to the Lassen County Code to read as follows:

(a) The following requirements shall apply to all cargo containers:

- 1) Any cargo container placed shall meet all setback requirements, including but not limited to the zoning and fire safety setback.
- 2) Any alteration of a cargo container (i.e., in the case that it is used for occupancy other than storage or if any utilities will be connected to it) shall require that a building permit first be secured.
- 3) Cargo containers shall not be “stacked” (i.e., be placed on top of one another) unless a building permit and a use permit are secured for said purpose.
- 4) Any cargo container placed within a scenic highway corridor or “D” Design Combining District shall be painted either to match the existing building(s) on the property or dark green or dark brown unless otherwise approved by use permit.

(b) Cargo containers shall be allowed in “R” residential districts, the “R-S” Resort District, the “P.U.D.” Planned Unit Development District, and the “P-C” Planned Community District as follows:

- 1) Cargo containers shall be allowed in the above districts described by this subsection only if a use permit for any cargo container(s) in said districts is approved by the Planning Commission; or
- 2) Cargo containers may be allowed in in the above districts described by this subsection without a use permit if the cargo container is placed only during the period of time that there is an active, issued building permit for the construction of a primary building, or an active, issued building permit for the construction of an accessory building, provided a primary building has been legally established. Any cargo container allowed under this subsection shall be removed prior to expiration of the building permit or prior to issuance of the related certificate of occupancy.

- (c) Cargo containers shall be allowed temporarily, for no more than 60 days in any six-month period, in the “T-P-Z” Timber Production Zone District, the “F-R” Forest Recreation District, and the “A-F” Agricultural Forest District. This 60-day limitation includes both consecutive days and discrete days.
- (d) Cargo containers are not allowed in the “O-C-B” Public Campground/Boating/Beach District, the “O-H” Historical Site District, the “O-D” Primitive Area, the “O-S” Open Space District, or the “H-R” Hydroelectric District.
- (e) Cargo containers are allowed subject to the following (in addition to the standards set forth at Section 18.108.300(a) above) in any district except “R” residential districts, the “P.U.D.” Planned Unit Development District, the “P-C” Planned Community District, the “R-S” Resort District, the “O-C-B” Public Campground/Boating/Beach District, the “O-H” Historical Site District, the “O-D” Primitive Area, the “O-S” Open Space District, or the “H-R” Hydroelectric District:
 - 1) Cargo containers are allowed on parcels that are less than two acres in size only if there is a legally established primary use on the subject parcel, except during the period of time that there is an active building permit for the construction of a primary building or an active building permit for the construction of an accessory building provided a primary use or primary building has been legally established.
 - 2) Cargo containers proposed on parcels greater than or equal to two acres in size in districts other than those described by this subsection shall be allowed by right.
- (f) *This ordinance shall apply retroactively.* Any cargo container placed in violation of this section shall be deemed a nuisance pursuant to Lassen County Code Section 1.18.020. This section may be enforced through Lassen County Code Chapter 1.18 or through any other applicable laws.
- (g) For the purposes of this section, “cargo container” is defined as a portable shipping container made of metal that is used for the onsite storage of property, equipment, or goods.

SECTION THREE: If any section, subsection, sentence, clause, or phrase 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.



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

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

October 10, 2019

Zoning & Building

Inspection Requests

Phone: 530 257-5263

TO: Robert M. Burns, County Counsel

FROM: Maurice L. Anderson, Director *MLA*

SUBJECT: Legality of Applying Cargo Container Ordinance Retroactively

As you may recall, the Planning Commission has met on several occasions (most recently, October 1, 2019) to discuss making a recommendation to the Board of Supervisors regarding consideration of a draft ordinance to regulate cargo containers in Lassen County. Some on the Commission have discussed adding a provision stating that the ordinance shall apply retroactively (see subsection "f" of section two of the attached ordinance). The Commission continued the public hearing of the draft ordinance to November 5, 2019, seeking your counsel as to whether the Board of Supervisors is authorized to adopt and enforce the above provision making the ordinance apply retroactively. Our Department has investigated this question and has found cases that support the retroactive application of an ordinance (e.g. *City of Los Angeles v. Gage (1954)* and *Melton v. City of San Pablo (1967)*), but would like your opinion on this matter. This case law does not represent the Department's position on the matter, but rather is meant to provide information to you.

In addition, we would like to make it clear through the ordinance that any cargo container located in the required setback has not been legally established, and as such, would be considered a public nuisance. Attached for reference is the draft ordinance in its most current form. Our Department may modify (or be directed to modify) said ordinance in the future.

Thank you.

MLA:smr

Enclosures: Draft Cargo Container Ordinance

S:\PLA\Admin\FILES\318.01.53