



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.