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PLANNING COMMISSION

July 2, 2024

FILE NUMBER:	2024-008
PROPERTY OWNER:	Fourth Element Wind, LLC
TYPE OF APPLICATION:	Use Permit

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LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
June 25, 2024

FILE NUMBER:	UP #2024-008
APPLICANT:	Fourth Element Wind LLC
TYPE OF APPLICATION:	Use Permit
GENERAL LOCATION:	The project is located approximately 18 miles northwest of Stones Landing, and approximately 45 miles northwest of Susanville.
ASSESSOR'S PARCEL NUMBERS:	051-080-005
ZONING:	T-P-Z (Timber Production Zone District)
GENERAL PLAN:	"Extensive Agriculture," <i>Lassen County General Plan, 2000</i>
APPEAL:	Lassen County Code Section 18.112.050 states that "any person not satisfied with the action of the planning commission... may, within ten days of the notice of the commission's action, appeal in writing to the board of supervisors."
ENVIRONMENTAL DOCUMENT:	Exempt from CEQA pursuant to Sections 15306 of the Guidelines.
ASSIGNED STAFF:	Mindie Hilton, Associate Planner

AUTHORITY FOR APPLICATION:

Use Permit Provision, Lassen County Code Section 18.112 et seq. established regulations
Uses Allowed by Use Permit in all Districts, Lassen County Code Section 18.108.280(1)

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Use Permit
Planning and Building Services	Building Permits (if necessary)
Environmental Health	Hazard Material Storage (if necessary)

PROJECT DESCRIPTION: The permitting of a temporary meteorological tower to measure wind speed, direction, and other meteorological variables. The tower will be up to 197 feet (60.05 meters) in height. Said tower will be removed no later than five years from the date of approval (if approved), unless a new use permit is secured. For safety, orange marker balls will be mounted on the guywires

and if the tower is over 197 feet, FAA approved lighting will be installed. Data collected at the site is being transmitted remotely by cellular or satellite comms to avoid frequent site visits.

PROJECT SITE CHARACTERISTICS: No existing site improvements; vegetation at the project site includes pine trees, understory brush and grasses.

ACCESS/REQUIREMENTS: The subject property is very remote and is accessed via multiple miles of dirt roads which are not maintained by the county. Also, located 18 miles northwest of Stones Landing, and approximately 45 miles northwest of Susanville.

SURROUNDING PROPERTY CHARACTERISTICS AND ZONING: Neighboring parcels are zoned T-P-Z (Timber Production Zone District). They range from 120 – 640 acres and have historically been utilized for timber harvest operations. The neighboring parcels are owned by Sierra Pacific Land & Timber Company, the same owners of the proposed project parcel.

	Zoning	Parcel Size (acres)	Land Use Designation (<i>Lassen County General Plan, 2000</i>)
North	T-P-Z	280	“Extensive Agriculture”
	T-P-Z	120	“Extensive Agriculture”
	T-P-Z	120	“Extensive Agriculture”
East	T-P-Z	514	“Extensive Agriculture”
South	T-P-Z	640	“Extensive Agriculture”
West	T-P-Z	640	“Extensive Agriculture”

T-P-Z = Timber Production Zone District

ZONING: The subject parcel is zoned TPZ (Timber Production Zone District). Lassen County Code Section §18.108.280(1) requires a use permit for any tower over 100 feet.

GENERAL PLAN: The subject parcel is designated “Extensive Agriculture,” in the Lassen County General Plan, 2000. Pertinent General Plan Policies are included in the memorandum, incorporated as part of this staff report.

The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000*.

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: The Environmental Review Officer of Lassen County has determined that this project is exempt from California Environmental Quality Act (CEQA) under Section 15306 of the CEQA Guidelines.

FINDINGS and/or RECOMMENDATIONS: The recommended findings and conditions can be found in the memos to the director attached to this staff report. In addition, the recommended conditions can be found in Exhibit “A” of a draft resolution that is included in this packet.

A power point presentation will be provided to the commission with details regarding the project.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING USE PERMIT #2024-008, FOURTH ELEMENT WIND LLC

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on July 2, 2024, has considered Use Permit #2024-008, Fourth Element Wind LLC, the permitting of a temporary meteorological tower to measure wind speed, direction, and other meteorological variables. The tower will be up to 197 feet (60.05 meters) in height. Said tower will be removed no later than five years from the date of approval (if approved), unless a new use permit is secured. For safety, orange marker balls will be mounted on the guywires and if the tower is over 197 feet, FAA approved lighting will be installed. Data collected at the site is being transmitted remotely by cellular or satellite comms to avoid frequent site visits. The proposed tower location is 18 miles northwest of Stones Landing, and approximately 45 miles northwest of Susanville. APN 051-080-005; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that this proposal is exempt from the California Environmental Quality Act under Section 15306 of the 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 project, as conditioned, will not, under the circumstances of this 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.
 - b. The proposed meteorological tower is temporary and will be removed no later than five years from the date of approval, unless a new use permit is secured.
3. The Lassen County Planning Commission hereby adopts the Technical Review Committee findings and conditions contained in the Technical Review memo from Maurice Anderson, dated June 24, 2024; all conditions have been incorporated into this resolution.
4. The Planning Commission hereby concurs with the Environmental Review Officer that the project qualifies for exemption, pursuant to Sections 15306 of the California Environmental Quality Act Guidelines.
5. The Planning Commission hereby approves Use Permit #2024-008, Fourth Element Wind LLC, 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 2nd day of July, 2024 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 #2024-008, FOURTH ELEMENT WIND LLC

1. 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.
2. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to LCC §18.112.060).

Pre-operational Conditions **(Must be satisfied before the Authorization to Operate is issued)**

3. The applicant shall obtain a new building permit(s) from the Lassen County Department of Planning and Building Services.
4. The tower and all associated equipment shall be non-reflective in appearance to be approved by the Department of Planning and Building Services prior to the issuance of the Authorization to Operate.
5. If any hazardous materials will be onsite for operation of the project, then permit to operate must be obtained from the Environmental Health Division of the Lassen County Department of Planning and Building Services.
6. The applicant shall enter into an Indemnification Agreement in accordance with Lassen County Code Section 1.35.020.

Operational Conditions **(Must be satisfied during operation of the use permit)**

7. The project site shall be kept clear of any debris during the entire life of this use permit.
8. Orange marker balls will be mounted on the guywires and if the tower is over 197 feet, FAA approved lighting will be installed.
9. The meteorological tower shall be placed in the most advantageous position to limit removal/disturbance of vegetation. Any vegetation removal/disturbance related to the guy wires shall be restricted to that necessary to ensure that guy wire anchors are adequately installed.
10. No brand names or advertising shall be allowed. The applicant shall place an emergency contact sign on or adjacent to the tower. Said sign shall be no larger than 24" by 24."

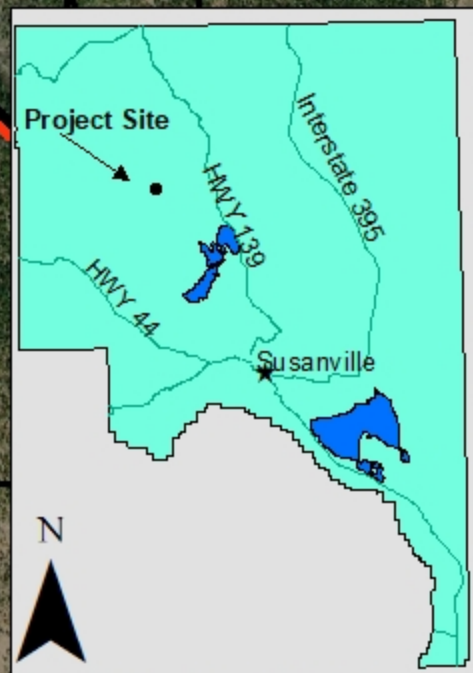
11. In the event that any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.
12. This use permit is valid for five years from issuance of an authorization to operate.

Project De-commissioning Conditions

(Must be satisfied before operator is released from responsibility for the use permit)

13. After the term of this use permit has expired, the property owner (or agent) must either secure a new use permit, or remove the meteorological tower, associated equipment, and debris from the site within 60 days.
14. If the permit is not renewed and/or the tower is not removed in accordance with conditions of this use permit. The County may cause the meteorological tower, associated equipment and all debris to be removed at the expense of the operator and/or property owner.

Use Permit #2024-008, Fourth Element Wind LLC



Project Site APN # 051-080-005

Proposed
Met Tower
Location

-120.906927, 40.803275

-120.906927, 40.803275

APN # 051-080-005

Roads

Lassen County makes no guarantee of the accuracy or completeness of this information or data and assumes no liability for its use or misuse. This product is intended to be used for planning purposes only and does not have the force and effect of law, rule, or regulation. All GIS data should be verified before it is relied upon for property or project planning.

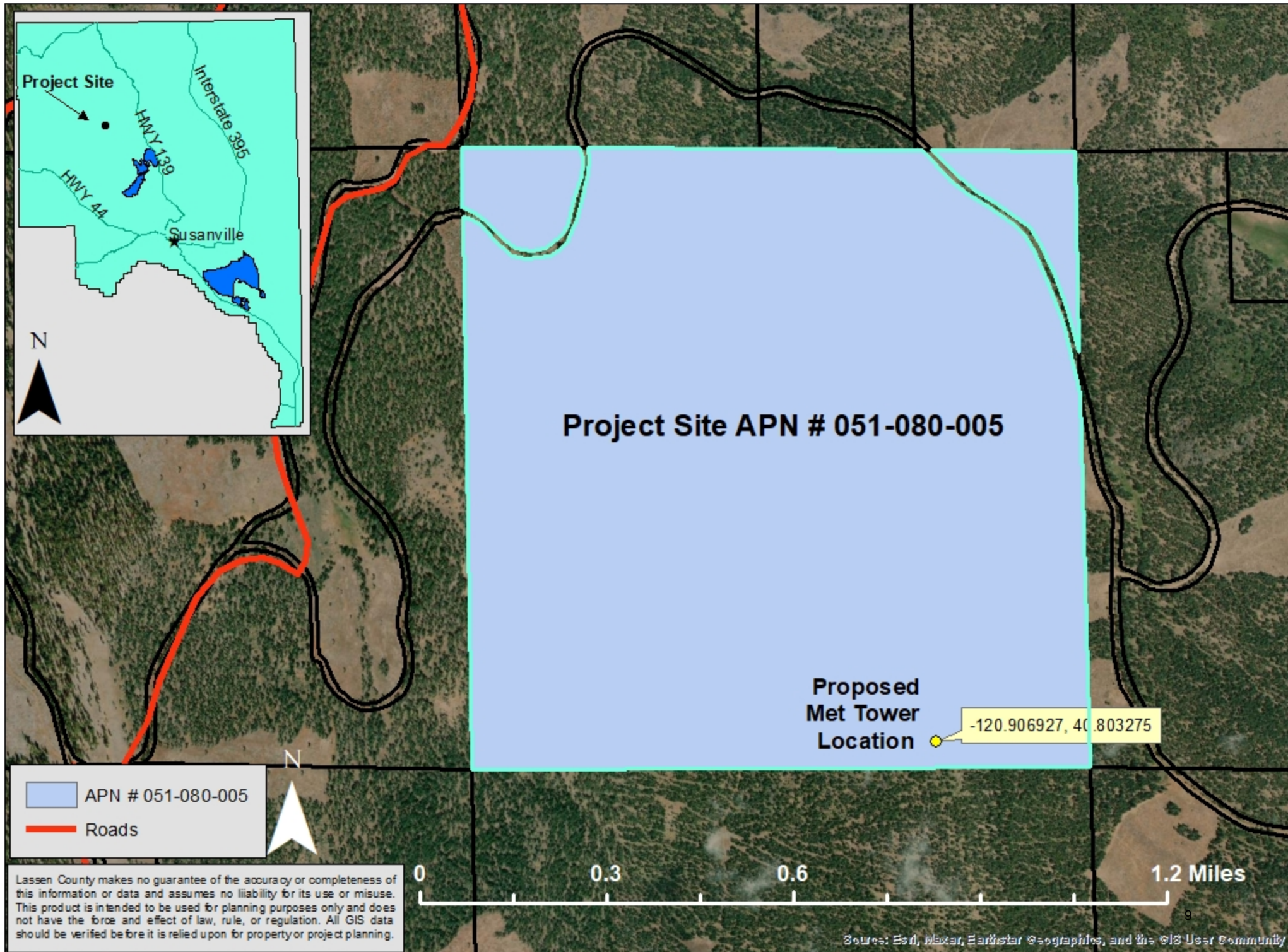
0.5

1

2 Miles

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Use Permit #2024-008, Fourth Element Wind LLC





County of Lassen

Department of Planning and Building Services

• Planning • Building • Environmental Health • 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

June 24, 2024

TO: Maurice Anderson, Director

FROM: Matt May, Manager of Planning

RE: Use Permit #2024-008, Fourth Element Wind LLC

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Project Description

Use Permit #2024-008, Fourth Element Wind LLC, the permitting of a temporary meteorological tower to measure wind speed, direction, and other meteorological variables. The tower will be up to 197 feet (60.05 meters) in height. Said tower will be removed no later than five years from the date of approval (if approved), unless a new use permit is secured. For safety, orange marker balls will be mounted on the guywires and if the tower is over 197 feet, FAA approved lighting will be installed. Data collected at the site is being transmitted remotely by cellular or satellite comms to avoid frequent site visits. The project site is zoned T-P-Z (Timber Production Zone District) and is designated "Extensive Agriculture" per the *Lassen County General Plan, 2000*. The project is exempt from CEQA under Section 15306 of the Guidelines. The proposed tower location is 18 miles northwest of Stones Landing, and approximately 45 miles northwest of Susanville. APN 051-080-005. Staff Contact: Mindie Hilton, Associate Planner.

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

1. The applicant proposes the permitting of a temporary, up to 197 feet in height, meteorological tower (wind data collection device) to remain on the property for no more than five years from the date of approval (if approved), unless a new use permit is secured.
2. Lassen County Code Chapter 18.68 establishes the regulations regarding the issuance of use permits and §18.108.280(1) requires a use permit for any tower over 100 feet.
3. The project site is zoned T-P-Z (Timber Production Zone District) and has a land use designation of "Extensive Agriculture" within the Land Use Map of the *Lassen County General Plan, 2000*.

4. Orange marker balls will be mounted on the guywires and if the tower is over 197 feet, FAA approved lighting will be installed.
5. The applicant proposes to use existing private roads for access to the project site. No new roads are proposed.
6. Wind energy is allowed, upon securing a use permit for any tower over 100 feet or any commercial tower, pursuant to §18.108.280 of the Lassen County Special Provisions for Wind Energy Generators.
7. The *Lassen County Energy Element, 1993* does not address meteorological towers directly, but does discuss and provide implementation measures for wind energy development:

4.3.2.8 Wind

1. Wind facilities may be permitted by Use Permit in industrial, upland conservation and non-prime agriculture zone districts if the facilities are determined by the County to be compatible with surrounding land uses.
2. The siting of wind conversion facilities shall avoid residential areas.
3. Proposed wind conversion facilities shall be designed to promote public safety and control public access to the sites.
4. Proposed project applications shall include an evaluation of avian and other wildlife impacts and propose a program to mitigate such impacts.

Implementation Measures

- a. Proposed wind conversion facilities shall conform to the applicable zone district setback requirements established in County Zoning Ordinance. More stringent setback requirements may be established by the County as a condition of approval on a project specific basis.
 - b. Unless variations are qualified on a project specific basis, horizontal axis wind turbines shall be positioned at a distance of at least two times the total tower height from all nearby trees or structures, and vertical axis facilities shall be positioned at a distance of at least ten blade diameters from any trees or structures.
8. The Environmental Review Officer of the County of Lassen has determined that this proposal is exempt from the California Environmental Quality Act under Section 15306 of the Guidelines, which exempts information gathering projects which do not result in a serious or major disturbance to an environmental resource.

9. Memos recommending findings and conditions from other Lassen County departments are attached. Recommended conditions have been incorporated into the conditions in this memo.

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

1. 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.
2. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to LCC §18.112.060).
3. The applicant shall obtain a new building permit(s) from the Lassen County Department of Planning and Building Services.
4. The tower and all associated equipment shall be non-reflective in appearance to be approved by the Department of Planning and Building Services prior to the issuance of the Authorization to Operate.
5. The project site shall be kept clear of any debris during the entire life of this use permit.
6. Orange marker balls will be mounted on the guywires and if the tower is over 197 feet, FAA approved lighting will be installed.
7. The meteorological tower shall be placed in the most advantageous position to limit removal/disturbance of vegetation. Any vegetation removal/disturbance related to the guy wires shall be restricted to that necessary to ensure that guy wire anchors are adequately installed.
8. No brand names or advertising shall be allowed. The applicant shall place an emergency contact sign on or adjacent to the tower. Said sign shall be no larger than 24" by 24."
9. 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 shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.
10. This use permit is valid for five years from issuance of an authorization to operate.

11. After the term of this use permit has expired, the property owner (or agent) must either secure a new use permit, or remove the meteorological tower, associated equipment, and debris from the site within 60 days.
12. If the permit is not renewed and/or the tower is not removed in accordance with conditions of this use permit. The County may cause the meteorological tower, associated equipment and all debris to be removed at the expense of the operator and/or property owner.

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

1. If any hazardous materials will be onsite for operation of the project, then permit to operate must be obtained from this office.

MLA:Mmh

S:\PLA\Planning\2024\UP #2024-008, Fourth Element Wind LLC



USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$742; CLASS 2 \$1350; CLASS 3 \$1,350
and ENV. HEALTH FEE: \$85
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

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. UR2024-008

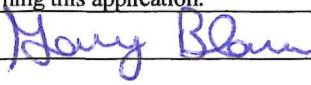
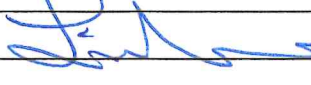
Property Owner/s	Property Owner/s
Name: Sierra Pacific Land & Timber Company	Name:
Mailing Address: 19794 Riverside Ave.	Mailing Address:
City, ST, Zip: Anderson, CA 96007	City, ST, Zip:
Telephone: 530-378-8000 Fax:	Telephone: Fax:
Email: gblanc@spi-ind.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name: Fourth Element Wind LLC	Name:
Mailing Address: 5538A La Jolla Blvd.	Mailing Address:
City, ST, Zip: La Jolla, CA 92037	City, ST, Zip:
Telephone: 858-840-5800 Fax:	Telephone: Fax:
Email: roby.maxwell@iownrenewable.com	Email: License #:

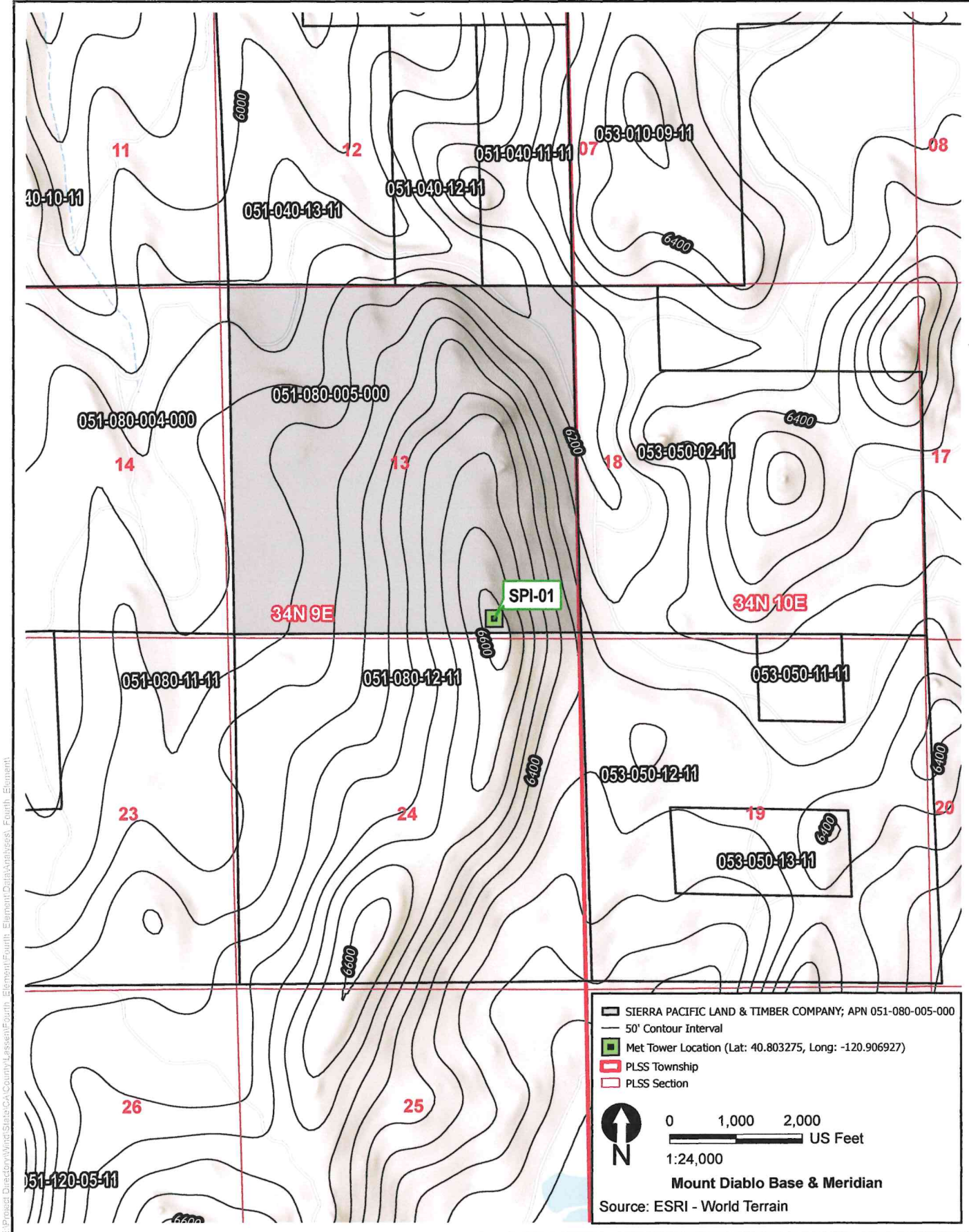
Project Address or Specific Location:			
Deed Reference: Book:	Page:	Year: 2018	Doc#: 02537
Zoning: TPZ		General Plan Designation:	
Parcel Size (acreage): 640		Section: 13	Township: 34N Range: 9E

Assessor's Parcel Number(s):	051-080-005	-	-	-	-
-	-	-	-	-	-

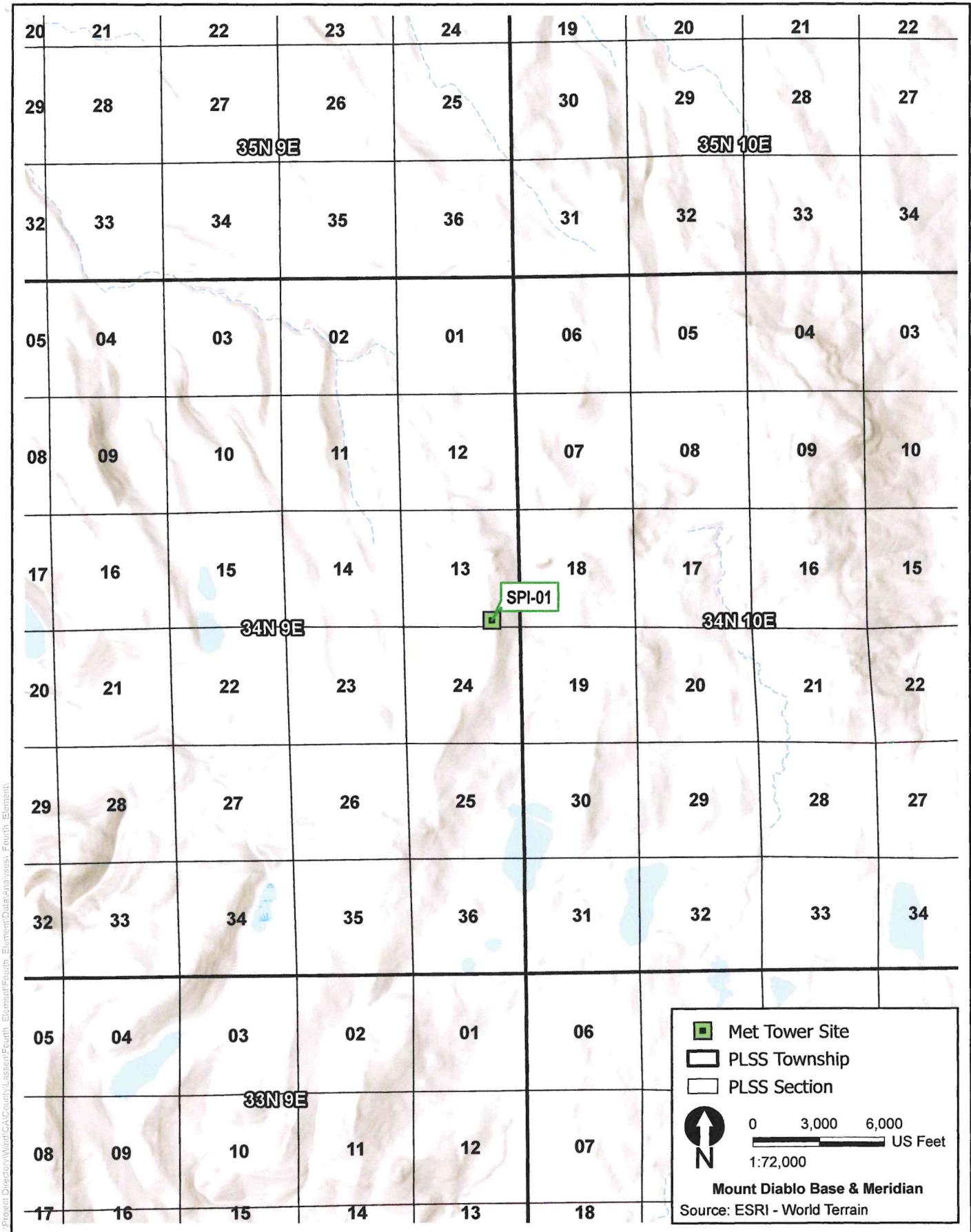
Project Description: Permit of a temporary (less than 5 years) meteorological tower to measure wind speed, direction, and other meteorological variables. The tower will be up to 197' in height and constructed of 7' long section of galvanized steel tubing 8" or 10" in diameter. For safety, a solar powered aviation obstruction light is mounted on the top of the tower and high-visibility orange marker balls are mounted on the guywires. Data collected at the site will be transmitted remotely by cellular or satellite communications to avoid frequent site visits.
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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.  Date: <u>5/4/24</u> Date:	*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: <u>6/9/24</u> Date:
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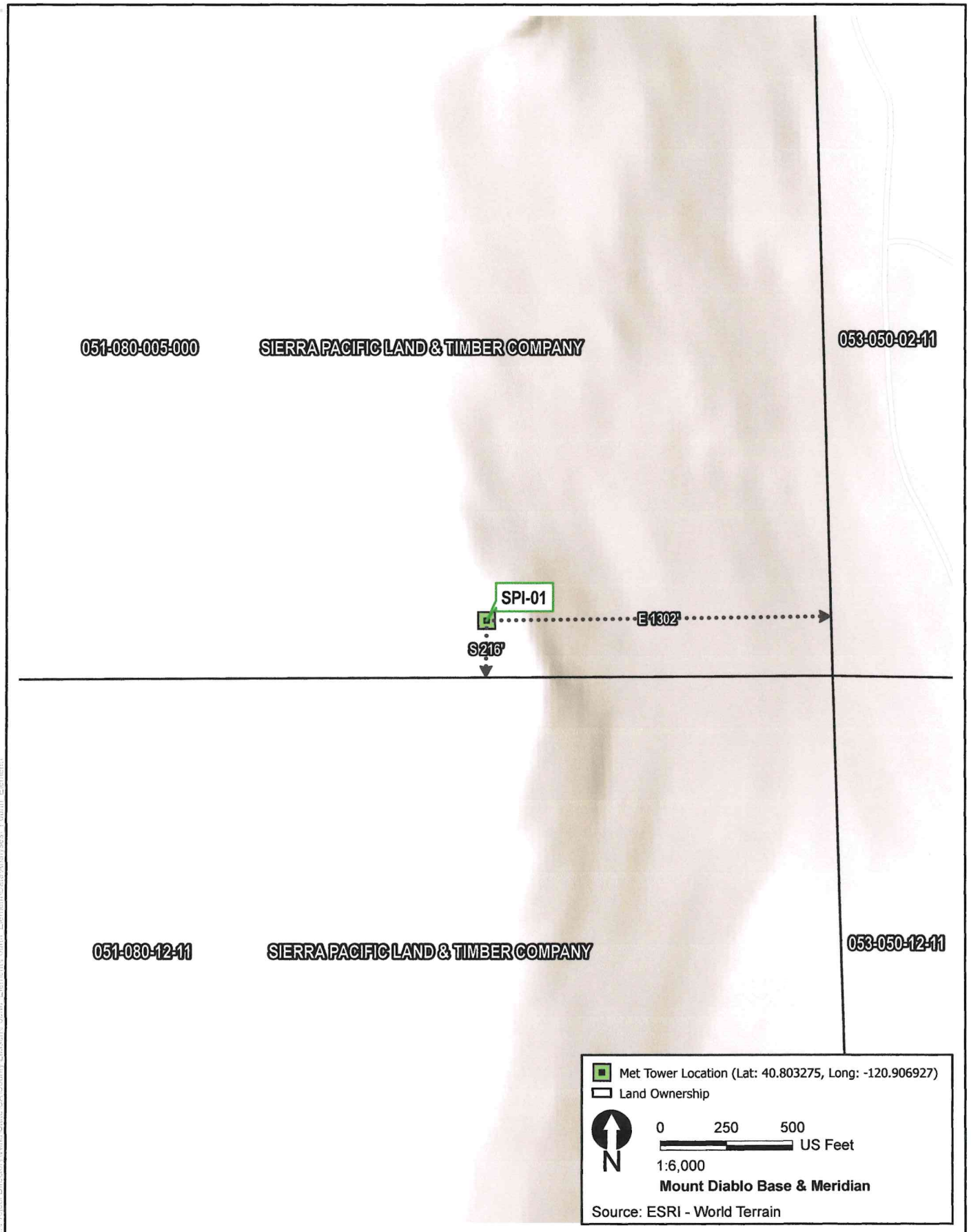
See associated process form for required attachments and instructions.



SPI-01 Location



SPI-01 Vicinity



SPI-01 Setbacks



Facing E from Tower Base



Facing N from Tower Base

up 24-008



Facing S from Tower Base



Facing W from Tower Base

UP24-008