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Item #6a
9:05 AM
January 23, 2025

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Director
Prepared by: Trish Turner, Assistant Planner II

DATE: January 23, 2025

SUBJECT: Consideration of Proposed Major Use Permit (UP 23-07) with Mitigated Negative Declaration (IS 23-14) for Public Safety Towers, LLC for an 80' tall monopine wireless communication tower within a 35' x 35' lease area; location: 3275 Hill Road, Lakeport (APN: 005-015-41)

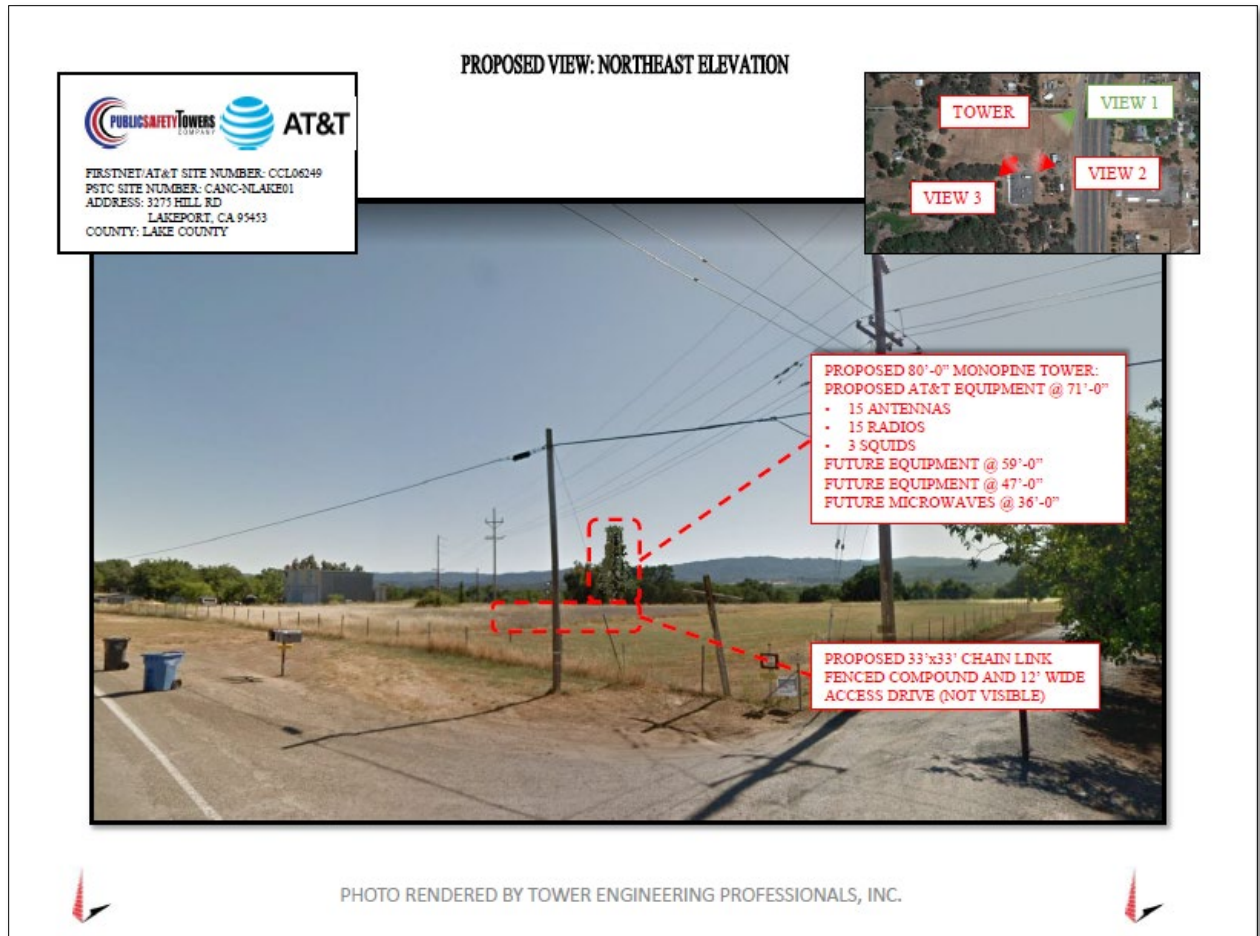
ATTACHMENTS:

1. Site Plans, Elevations
2. Draft Conditions of Approval
3. Draft Initial Study (IS 23-14)
4. Photo Simulations of the Tower and Coverage Maps
5. Agency Comments
6. Public Comments

EXECUTIVE SUMMARY

Safety Tower/ FirstNet NLAKE01 requests discretionary approval of Major Use Permit (UP 23-07) for the construction of an 80-foot-tall wireless communication facility. The facility will provide AT&T customers with service. In the event of an incident, emergency communications take priority, and bandwidth is reallocated to accommodate stable emergency communications. The tower will be designed to look like a pine tree, commonly known as a monopine cellular (cell) tower. The project will include 15 antennas, 15 radios, three surge suppressors, three antenna mounts, within a 35' x 35' lease compound area that will contain equipment needed to support the tower. The project includes a battery backup system providing approximately eight hours of power. Additionally, a backup generator with a 190-gallon diesel fuel tank is included, capable of supplying power for approximately 3-4 days. The lease area will be enclosed by a 6' tall chain link fence with screening. The anticipated construction duration is between 90 to 110 days, and work would occur Monday through Friday from 7:00 a.m. to 7:00 p.m. Site work is limited to establishing the 35' by 35' equipment enclosure area, installing tower support equipment, improving the driveway and road leading to the tower site, and constructing the tower. The tower would be unmanned, with maintenance requiring between one and four annual trips.

FIGURE 1 – PHOTO SIMULATION OF TOWER ON PROPOSED SITE



Source: Material Submitted by Public Safet Towers, LLC, February 20, 2024

PROJECT DESCRIPTION

- Project Title:** Public Safety Tower/ FirstNet – NLAKE01
- Project Numbers:** UP 23-07, IS 23-14
- Applicant Information** Public Safety Towers, LLC
1903 Wright Place, Suite 140
Carlsbad, CA 92008
- Property Owner:** James Carpenter
- Project Location:** 3275 Hill Road, Lakeport
- Parcel Number:** 005-015-41
- Parcel Size:** +36.32 acres
- General Plan:** Agriculture and Resource Conservation
- Zoning:** "A-SC-FF-WW", Agriculture-Scenic Combining District-Floodway Fringe – Waterway
- Flood Zone:** "AE-X" Areas of 100-year flood – 0.2% Annual chance of flood
- Fire Protection:** Northshore Fire Protection District

Vegetation: Oak woodlands and grasses
Fire Severity: Non-Wildland/ Non-Urban and Moderate Severity fire hazard zone; within the Local Responsibility area.

Project details

The site is developed with a single-family dwelling, manufacture home, and a barn. The proposed cell tower will be located approximately ± 612 feet east of the existing single-family dwelling.

Construction

The following equipment is expected to be required to construct the proposed project facilities:

- Crane
- Grading Truck
- Core Bore
- Cement Truck
- Dump Truck

Construction will take 90-120 days, Monday through Friday 7 AM – 7PM. Standard Best Management Practices will be implemented throughout the construction process.

Operations

The following equipment is expected to be installed in the lease area:

- 15 - antennas
- 15 – radio's
- 3 – surge suppressor's
- 3 – antenna mounts
- Battery Backup Supply
- 30kw diesel generator
- 190 – gallon diesel fuel storage tank

The battery backup system provides approximately eight hours of power. Additionally, a backup generator with a 190-gallon diesel fuel tank is included, capable of supplying power for approximately 3-4 days. Tower maintenance will be 3 – 4 times annually. Maintenance will consist of checking for structural, safety, and transmission of the site.

Energy Usage

The tower will have minimal energy demand. The site will rely on Pacific Gas & Electric (PG&E) power. All electrical and fiber infrastructure as proposed would be installed underground within conduits for safety and maintainability. The Planning Division sent a request for review to PG&E on October 10, 2023, but received no response.

Solid Waste

The un-manned wireless communication facility will generate no solid waste during operation, and any waste produced during site development can easily be accommodated by South Lake Disposal (landfill), which is not near capacity.

Wastewater

The wireless communication facility is unmanned; no septic systems are required or proposed.

Stormwater

The 35' by 35' enclosure (1,225 square feet) is too small to generate significant runoff, however due to the proximity of Burger Lake, located on the neighboring parcel 005-016-32, that is

approximately 500 feet away, a Stormwater Erosion Control Plan will be required to be submitted with the Building Permit Application.

Grading

According to the submitted materials, the proposed ground disturbing activities will require a Standard Grading Permit. Approval of the grading permit is required prior to any ground disturbance activities.

Water Usage

A water tender will be required on site during construction to reduce the dust. The tower is unmanned and does not require water for operations.

PROJECT SETTING

The zoning and development status of neighboring properties is as follows:

- North: “A-SC-FF-WW”, Agriculture – Scenic Combining District - Floodway Fringe - Waterway, and numerous other parcels to the north with similar zoning designations. Mostly developed with homes and agriculture.
- East: “SR-SC”, Suburban Reserve–Scenic Combining District. Developed with a home and an accessory structure.
- South: “A-SC-FF-WW”, Agriculture – Scenic Combining District - Floodway Fringe - Waterway, and numerous other parcels to the south. Mostly developed with homes, agriculture, and Burger Lake.
- West: “A-SC-FF-WW”, Agriculture – Scenic Combining District - Floodway Fringe -Waterway, and one other parcel to the west. Mostly developed with homes and agriculture.

PROJECT ANALYSIS

General Plan Conformity

The Lake County General Plan designation for the subject site is Agriculture A¹ with a Resource Conservation RC overlay. This General Plan designation is intended to protect Lake County’s agricultural soils, provide areas suitable for agriculture; and prevent development that would preclude their future use in agriculture. This General Plan designation allows cell towers with a major use permit; this is found in Article 27, Section 27.11, Table B (ar) of the Lake County Zoning Ordinance. The proposed project will occupy 1,225 sf of area and there will be no tree removal to make improvements to the road leading to the project area.

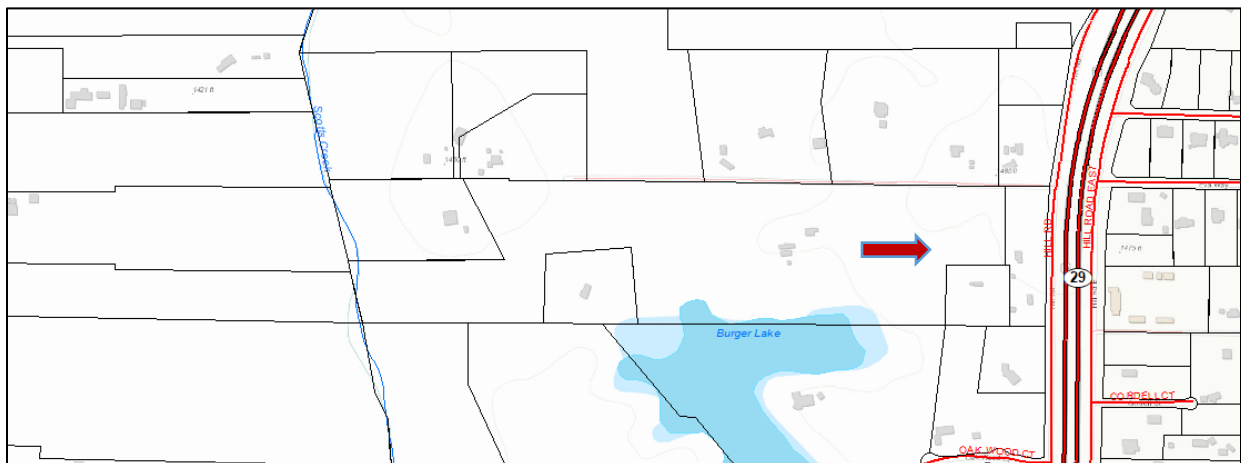
FIGURE 2 – AERIAL PHOTO OF LOT AND SURROUNDING AREA

¹ Not Prime Farmland (California Department of Conservation, 2020. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>).



Source: Lake County GIS Mapping, 2023.

FIGURE 3 – ZONING OF SITE AND VICINITY



Source: Lake County GIS Mapping, 2023.

Chapter 5 – Public Facilities and Services

Goal PFS-7: To expand the use of information technology in order to increase the County's economic competitiveness, develop a more informed citizenry, and improve personal convenience for residents and businesses in the County.

- Policy PFS-7.1 Telecommunications Services: The County shall work with telecommunication providers to ensure that all residents and businesses will have access to telecommunications services, including broadband internet service. To maximize access to inexpensive telecommunications services, the County shall encourage marketplace competition from multiple service providers.

- Policy 4.3.1.b: Implement recommendations of the California Department of Forestry and Fire Protection (CAL FIRE) and the Lakeport Fire Protection District where feasible and appropriate during evaluation of development proposals in the Lakeport Planning Area.

The Lakeport Fire Protection District has provided comments outlining the specific requirements that need to be met for this location. These requirements include having separate reflective addresses for the tower and the residence on the property, a driveway that complies with Public Resources Code (PRC) 4290 regulations for access to the tower, and proper location for storing fuel for the emergency backup generator, among others. All of the necessary conditions specified by the local fire department will be incorporated into the Conditions of Approval for the project.

Objective 5.3.1 Improve community communication access while mitigating the impacts of new facilities.

- Policy 5.3.1.c: Set standards for design & color of transmission/communication towers, define compatible & adverse impact of scenic view.

The proposed tower will be made to look like a tree with the monopine design.

Zoning Ordinance Conformance

The site is zoned “A-SC-FF-WW”, Agriculture – Scenic Combining District – Floodway Fringe Combining District – Waterway Combining District; therefore, the Articles addressing each of these zoning districts potentially apply to this application review.

Article 5 – “A” Agriculture Zoning District

Wireless communication facilities are a permitted use in the “A” Agriculture District upon issuance of a major use permit pursuant to Article 27, Table B of the Lake County Zoning Ordinance. The applicant is under review for a Major Use Permit (UP 23-07) with this application. Article 5, Agriculture or “A” District, also requires that projects be reviewed under applicable portions of Article 41, Performance Standards.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form that make their use acceptable upon issuance of a major use permit in addition to any required building or other permits. Table B in Article 27 lists Wireless Communication Facilities, New or Replacement as a conditionally permitted use in the “A” zoning district. Subsection (ar) states *Wireless Communication Facilities, New or Replacement: Refer to Section 71.7 of the Zoning Ordinance.*

Article 36, “FF” Floodway Fringe Combining District. The purpose of this chapter is to provide land regulations for properties and their improvements situated in the floodplain to ensure protection hazards and damage which may result from flood waters. The location of the lease area and the tower location are approximately 537 feet to the west of the floodplain. The flood zone for this portion of the property is zoned “X”, which is less than 0.2% annual chance of the 500-year flood.

Article 37, “WW” Waterway Combining District. The purpose of this chapter is to preserve and protect riparian areas that might otherwise contain sensitive plant and animal species. The

location of the riparian area on site is more than 480 feet from the tower location, presenting no conflict with the small lake (waterway) that is on the subject lot.

Article 41, Performance Standards. The following standards apply to new construction in the “A” Agriculture Zoning District:

This project was analyzed and found in compliance with the following performance standards: Electromagnetic Interference, Fire and Explosion Hazards, Glare and Heat, Landscaping Standards, Noise, Open and outdoor storage, sales and display, Radioactivity, Vibrations,

- ❖ Section 41.4, *Air Quality*. All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. Lake County Air Quality Management require all diesel generator operators to obtain a permit from their district office.
- ❖ Section 41.6, *Erosion Control*. The purpose of this criterion is intended to reduce or eliminate potential impacts associated with erosion, which is potentially prevalent during site disturbance. This section identifies potentially sensitive areas including natural features such as creeks and waterways. In this case the disturbed area is 1,225 sf in total size, and the potential for erosion resulting from site disturbance and tower operations is minimal. The flat terrain at the project site will help to reduce potential runoff.
- ❖ Section 41.10, *Liquid, solid, and hazardous wastes*. The purpose of this criterion is intended to reduce or eliminate the impacts associated with the storage of liquid, solid, and hazardous materials. The project proposes the installation of a 190-gallon diesel fuel storage tank. The applicant will be required to submit a Hazardous Materials Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS), and it shall be updated annually or if quantities increase.

Article 51.4, Major Use Permit Findings for Approval

The Review Authority shall only approve or conditionally approve a Major Use Permit (Lake County Zoning Ordinance, Section 51.4, Major Use Permits) if all of the following findings are made:

1. *That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The use of the site with a wireless communication facility is permitted in the agriculture zoning district by Article 27, Table B, subject to review and approval of a major use permit and development review. Project construction and operations would comply with all required mitigation measures, conditions of approval, and local, state, and federal regulations. The immediate area is characterized by agriculture lots, and dwellings located on larger lots. There is also a PG&E power substation located to the southeast neighboring parcel. This cell phone tower would be for community use, but will prioritize First Responders use, when there is a declared emergency.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The footprint of the mechanical enclosure is 1,225 sf in area (35' by 35') and the access roadway is 7,960 square feet (20 feet by 398 feet) with the construction of a hammerhead turnaround area

that will encompass approximately 1,056 square feet. The site is 36.32 acres in size. The property is large enough to easily accommodate the wireless communication facility and its enclosure on the site. The site plans submitted for this project show a setback that scales out to approximately 300 feet from the tower to the southern property line.

3. *That the streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The site is accessed by a private drive off of Hill Road, a county-maintained road at this location. The applicant will be required to have separate addresses from the single-family dwelling and the tower. The private access driveway will need to be upgraded to meet PRC 4290 road standards for a commercial driveway; this will not involve the removal of any trees. The site will be unmanned, with a handful of trips a year for regular maintenance.

4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The only public service needed for this unmanned wireless communication facility is power. The site is served by PG&E on-grid power, and wireless communication facilities generally do not use significant amounts of power to operate.

The application was routed to all of the affected public and private service providers, including Lake County Air Quality Management District, Lakeport Fire Protection District, Public Works, Environmental Health, Specials Districts, Water Resources and PG&E. All agency comments are attached (Attachment 5). No adverse comments were received.

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

The project was evaluated against Chapters 3 and 5 of the General Plan, the Lakeport Area Plan, and various articles within the Lake County Zoning Ordinance. This report identifies compliance within each of the respective documents required for the review of this wireless communication facility.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

There are no documented violations in the County's Accela database of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject property.

Article 71, Regulations for the Placement of Communications Towers and Antennae

Section 71.3, General Regulations

- a) *Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.*

This report evaluates consistency with all applicable Lake County plans, goals, objectives, policies, standards, and criteria associated with wireless communication facilities in the , “SC” Scenic Combining District, “FF” Floodway Fringe Combining District, “WW” Waterway Combining District.

- b) *Wireless communication facilities shall comply with all Federal Communication Commission rules, regulations, and standards.*

Wireless communication facilities are regulated in part by the Federal Communication Commission; the applicant has the burden of assuring compliance with all Federal and local regulations occurs.

- c) *Wireless communication facilities shall comply with all applicable criteria from the Lake County Airport Land Use Compatibility Plan (ALUCP) and the Federal Aviation Administration (Federal Aviation Administration).*

The County’s Airport Land Use Compatibility Plan (ALUP) primarily relates to Lampson Field, a public airport located approximately six air miles from the project site. The wireless communication facility would not conflict with the ALUCP given its location in Lakeport.

- d) *Wireless communication facilities shall be sited in the least visually obtrusive location possible as determined by the Community Development Director. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.*

The tower would be disguised to look like a pine tree and will blend in with its surroundings in a more appropriate manner than a standard regular 80’ tall monopole tower.

- e) *Where a wireless communication facility exists on the proposed site location, colocation shall be pursued to the maximum extent feasible. If a co-location agreement cannot be reached, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Community Development.*

The material submitted by the applicant states that co-locating the wireless communication facility on other area wireless communication facilities was not possible. There is a gap in coverage in this area, and there are not any other towers in this area to co-locate on.

- f) *Other regulations enacted pursuant to the General Plan and Area Plans, may be applied to the proposed wireless communication facility, depending on the location and type of facility.*

All applicable local regulations are evaluated in this report for compliance.

- g) *Antennas and antenna towers shall be inspected, following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer of the engineer’s findings shall be submitted to the Community Development Department. Costs of inspection and reporting shall be borne by the permit holder.*

This will be added as a condition of approval, along with a requirement for the applicant to pay an inspection fee to cover staff time for non-building permit-related inspections.

71.8 General Development Standards for all Wireless Telecommunication Facilities: (a) Site Location:

1. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.

Complies; the wireless communication facility is designed to look like a pine tree. The lease area will be fenced and will be set back approximately 500 feet from Hill Road.

2. Co-location is required when feasible and when it minimizes adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Co-location is not required when it creates or increases such effects and/or technical evidence demonstrates to the satisfaction of the Community Development Director that it is not feasible due to physical, spatial, or technological limitations. Fiscal constraints or competitive conflicts are not considered justifiable reasons for not co-locating a new facility where opportunity for co-location exists.

The applicant stated in the material submitted that all attempts to co-locate the wireless communication facility on other lattice towers located within the coverage area were unsuccessful.

3. Wireless communication facilities shall not be sited in a way which will create visual clutter or negatively affect view from communities, highways and major collector roads, from Clear Lake or from highly used public areas, such as but not limited to parks and resorts.

The new monopine tower will generally blend in with its surroundings based on the photo-simulations submitted for the tower by the applicant.

4. New communication facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from communities, highways and major collector roads or from highly used public areas, such as but not limited to parks and resorts.

The lease sits outside of the required setback of the 'Scenic Combining' zoned area, and the photo simulations submitted for this tower show a tower that will look like a tree and will generally blend in with its surroundings.

5. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

The applicant is proposing a 6' tall screening fence to enclose the equipment needed to provide support for the wireless communication facility. The tower itself cannot be screened due to its height; however, the applicant proposes disguising the tower to make it look like a pine tree.

6. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

Improvements are proposed for the access driveway; however, the topography of the site would not be altered. Also, the project does not propose removal of any trees.

7. Any exterior lighting, except as required for Federal Aviation Administration regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled.

The tower will comply with the Federal Aviation Administration lighting requirements, no lighting is proposed at the site.

8. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the Federal Aviation Administration regulations unless the applicant has demonstrated to the Director of Community Development that the proposed location is the most feasible location for the provision of services as required by the Federal Communication Commission

The project site is not located in an area that might require special painting or lighting.

9. No telecommunication facility shall be installed within the safety zone of any airport within Lake County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, and the proposal is reviewed and approved by the Airport Land Use Commission.

The project site is located approximately six air miles from Lampson Field, the nearest airport. It is not located within the airport safety zone. The FAA requires notification if a cell tower is over 200 feet tall. The cell tower as proposed is 80 feet tall.

10. No telecommunication facility shall be located in an environmentally sensitive habitat, such as but not limited to, wetlands, vernal pools, or special study areas containing rare and endangered plants and animals.

A nearby small lake, Burger Lake, is approximately 500 feet away. A biological study of the project site identified potential habitat for listed species. Mitigation Measures BIO-1 and BIO-2 have been incorporated into the Initial Study to protect these species.

11. In instances where the wireless telecommunication facility is located near or in a residential area or located within a Community Growth Boundary or within one (1) mile of said Boundary, photos shall be submitted of the proposed facility from the nearest residential neighbors. In instances where the wireless communication facility would be visible from a State Highway or County Collector or Arterial Road or from Clear Lake a detailed visual analysis of the facility shall be submitted.

The proposed site is located less than a mile away from the populated area of Lakeport. To help visualize the impact of the tower, the applicant has provided simulated photos taken from three different viewpoints around the vicinity. These images show what the tower would look like from different angles. The design of the tower is intended to resemble a tree, in order to blend in with the surrounding environment.

12. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.

The applicant proposes a 6' tall chain-link screening fence. The wireless communication facility support pole is a round metal pole that would be difficult to climb. The tower will be gated and locked is the main deterrent that would prevent people from climbing the wireless communication facility.

13. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.

The applicant is proposing improvements to the access driveway to make it compliant for emergency vehicles and for employees needing to access the site for maintenance on the tower and access roadway.

14. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirement for the Zoning District.

The property contains a dwelling on a septic system and well. The proposed tower is to be constructed upon a portion of the parcel that is leased separately from the existing uses.

15. A subdivision pursuant to the State Subdivision Map Act shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The wireless communication facility would comply with this requirement as it is on leased land and its support equipment area will be unmanned.

16. The maximum height of any communications tower shall be 150 feet.

The wireless communication facility will be 80' in height, in compliance with this requirement.

17. The foundation and base of any communications tower shall be setback from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

The wireless communication facility has various setbacks from the property lines, ranging from 75 feet to over 2,600 feet. The nearest home is over 450 feet away from the tower, with its property line over 350 feet away.

18. Existing trees and other vegetation which will provide screening for the proposed facility and associated access roads shall be protected from damage during construction. Additional landscaping or visual screening shall be installed and maintained where it would mitigate visual impacts of a communication facility. The introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area and shall be maintained throughout the life of the project. Communication facility sites, whether leased or purchased, shall be of sufficient size to include vegetative screening if landscaping would provide a useful reduction to visual impacts. No trees that provide visual screening of the communication facility shall be removed except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.

The cell tower, while fenced, will not be screened by vegetation. It is situated over 500 feet from Hill Road, beyond the typical line of sight, and adjacent to a PG&E substation.

19. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

There is not an equipment building proposed for this tower. There is supportive equipment that will be installed. The supportive equipment is proposed to be roughly 7 feet in height and is well under the 20-foot accessory structure requirements.

(b) Design Review and Frequency Emission Compliance

1. Towers and monopoles shall be constructed of metal or other non-flammable material, unless specifically conditioned by the County to be otherwise.

The base of the wireless communication facility is made of metal so complies with this requirement.

2. Support facilities (i.e., vaults, equipment rooms, utilities and equipment enclosures) shall be constructed of non-flammable, non-reflective materials and shall not exceed a height of twenty (20) feet.

The equipment within the 6' tall, fenced enclosure is well under 20 feet tall.

3. All ancillary buildings, poles, towers, antenna supports, antennas, and other components or telecommunication facilities shall be of a color or combination of colors approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority, and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.

The photo-simulations submitted for the project are consistent with these requirements and will be included as a condition of approval.

4. A visual simulation of the wireless telecommunication facility shall be provided. Visual simulation shall consist of either a physical mock-up of the facility, a balloon simulation with a balloon tethered at the height of the proposed tower and of a diameter matching the maximum width of the proposed antenna, a computer simulation or other reasonable and comparable means.

A simulation of the wireless communication facility was provided with the application packet.

5. Special design of the wireless telecommunication facilities may be required to mitigate potentially significant adverse visual impacts.

The wireless communication tower would be designed to look like a pine tree.

6. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

No guy wires are shown on the drawings submitted.

7. The site of a communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility to the general public.

The proposed fence is 6' tall and gated / locked.

8. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

No lighting is required for the proposed 80-foot cell tower. Federal Aviation Administration regulations mandate lighting only for structures exceeding 200 feet in height.

9. Communications Towers shall be protected and maintained in accordance with the requirements of the County's Building Code.

The cell tower will undergo 3-4 maintenance inspections annually, covering safety, structural integrity, transmission systems, and physical security.

10. One off-street parking space shall be provided within the fenced area.

The site plans submitted show adequate area for a vehicle to park on site.

11. Written documentation shall be submitted to the Community Development Department annually by permit holders, prepared by Radio Frequency Engineers or other qualified professionals, that verify compliance with Federal Communication Commission regulations if any change in facility conditions justify said documentation. Written affirmation shall be submitted to the Community Development Department annually by permit holders that verifies continuing compliance with Federal Communication Commission regulations.

Complies. The material submitted was prepared by Public Safety Towers Company which specializes in designing cellphone towers and telecommunication facilities.

ENVIRONMENTAL REVIEW

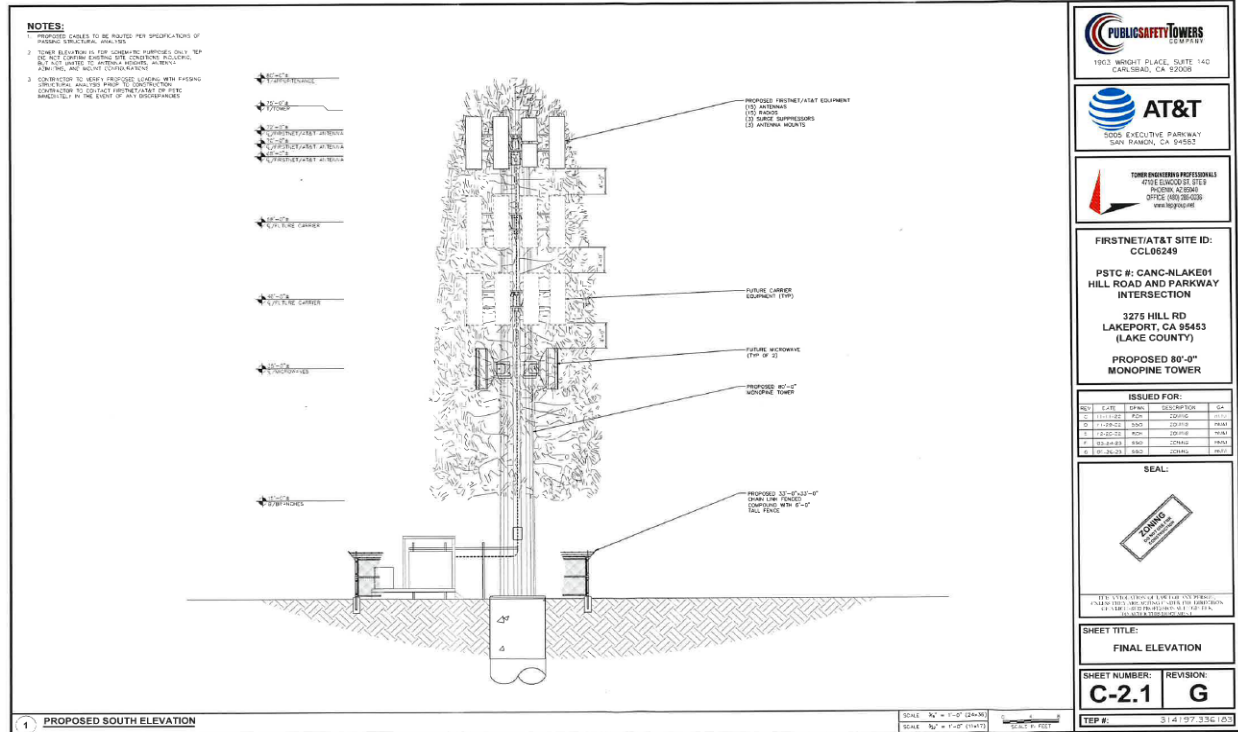
The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. The environmental review of this project resulted in a Mitigated Negative Declaration, which was uploaded to the State Clearinghouse SCH #: 2023120164 on December 6, 2023 and was recirculated on September 27, 2024. No adverse comments were received regarding this project from any notified State agency.

All potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures described in the Initial Study (Attachment 4) and draft Conditions of Approval (Attachment 2). The following categories were identified as having potential environmental impacts:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources

- Geology/Soils
- Tribal Cultural Resources
- Wildfire

FIGURE 5 – TOWER ELEVATIONS



Source: Material Submitted by Applicant, 2024

The following mitigation measures are added into the Conditions of Approval:

Aesthetics. The project has some potential to impact Aesthetics (AES). The following mitigation measures will help reduce potential aesthetic impacts to less than significant levels:

- AES-1: Prior to operation, the applicant shall install a minimum 6' tall screening fence around the wireless communication towers lease area. Fabric screening shall not be used due to poor durability; the screening material shall be chain link with slats, or a solid wood or metal fence.
- AES-2: All lighting shall be downcast and shall not be spill over onto public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org.
- AES-3: The 80' tall Monopine cell tower shall be green in color and maintained for the life of the project. Any changes to the appearance of the tower that do not qualify for a Federal Communications Commission (FCC) Eligible Facilities Request shall require a new use permit application.

Air Quality. The project has some potential to impact Air Quality (AQ) during construction. The following mitigation measure will help reduce potential air quality impacts to less than significant levels:

- AQ-1: During site disturbance, the applicant shall apply palliatives (water) to the ground to minimize dust migration.

Biological Resources: The project has some potential to impact Biological Resources (BIO) during construction. The following mitigation measures will help reduce potential biological resource impacts to less than significant levels:

- BIO-1: If ground disturbing activities occur during the breeding and nesting season of raptor and other nesting or roosting species (February 1 through September 15), surveys for active nests will be conducted by a qualified biologist no more than 10 days prior to start of activities.
 - Pre-construction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Pre-construction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist shall survey suitable habitat for the presence of these species.
 - If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area shall be established to avoid impacts to the active nest site. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline.
 - If no nesting avian species are found, project activities may proceed and no further Standard Construction Conditions measures shall be required.
 - If active nesting sites are found, the following exclusion buffers shall be established, and no project activities shall occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival:
 - Minimum no disturbance of 250 feet around active nest of non-listed bird species and 250 foot no disturbance buffer around migratory birds.
 - Minimum no disturbance of 500 feet around active nest of non-listed raptor species; and 0.5-mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate regulatory agencies (i.e. CDFW,

USFWS, etc.) shall be consulted for additional avoidance and minimization measures.

- A variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and is recommended that CDFW and USFWS be notified in advance of implementation of a no disturbance buffer variance.
- BIO-2: Prior to the implementation of any project construction activities, the following measures shall be implemented to protect the American Badger species from potential impacts:
 - A pre-construction biological survey of the project area and areas immediately adjacent to the project area shall be conducted by a qualified biologist at least two (2) weeks prior to implementation of the proposed project and ground disturbance activities to determine if potentially active or known den sites are present.
 - If potential dens are found during pre-construction surveys, a qualified biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.
 - If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three (3) to five (5) days to discourage the use of these dens prior to project disturbance activities. The den entrances shall be blocked to an incrementally greater degree over the three (3) to five (5)-day period. After the qualified biologist determines that badgers have stopped using active dens, the dens shall be hand-excavated with a shovel to prevent re-use during construction.
- BIO-3: Project area boundaries shall be clearly delineated by stakes and /or flagging to minimize inadvertent degradation or loss of adjacent habitat during project operations. Staff and/or its contractors shall post signs and/or place fence around the project area to restrict access of vehicles and equipment unrelated to project-related operations.
- BIO-4: A project representative shall establish restrictions on project-related traffic to approved project areas, storage areas, staging and parking areas via signage. Off-road traffic outside of designated project area shall be prohibited.

Cultural Resources. The project has some potential to impact Cultural Resources (CUL) during construction and ground disturbance. The following mitigation measures will help reduce potential cultural and/or tribal resources impacts to less than significant levels:

- CUL-1: Should any archaeological or paleontological materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation

procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work.

- CUL-2: All employees shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.
- CUL-3: Should any human remains be encountered, the applicant shall halt all work within 100 feet, notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

Geologic and Soil Resources. The project has some potential to impact Geologic and Soil Resources (GEO) during construction and ground disturbance. The following mitigation measure will help reduce potential geologic and soil resources impacts to less than significant levels:

- GEO-1: The applicant shall submit a Stormwater Erosion Control Plan to the Lake County Building Division with the standard grading permit and with the building permit application.
- GEO-2: Best Practice Management Plan shall be submitted with the Stormwater Erosion Control Plan
- GEO-3: The applicant shall implement the Best Practice Managements when they are trenching, grading, and doing any ground disturbance.

Hydrology and Water Quality. The project has some potential to impact Hydrology and Water Quality (HYD) during construction and ground disturbance. The following mitigation measures will help reduce potential hydrology and water quality impacts to less than significant levels: GEO-1 through GEO-3.

Tribal Cultural Resources. The project has some potential to impact Tribal Cultural Resources (TCR) during construction and ground disturbance. The following mitigation measures will help reduce potential tribal resources impacts to less than significant levels:

- TCR-1: All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to standards of NAHC or the culturally affiliated tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

- TCR-2: If previously unidentified tribal cultural resources are encountered during the project altering materials and their stratigraphic context shall be avoided, and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated tribe(s) shall be contacted to evaluate the resource and prepare a tribal cultural resource plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

Wildfire. The project has some potential to impact Wildfire (WILD) risk on site, primarily during construction. The following mitigation measures will reduce potential risk from wildfire to less than significant levels.

- WILD-1: The applicant shall keep a water tender truck on site during site disturbance to reduce the impacts that might result from a spark creating a wildfire on site.
- WILD-2: Prior to operation, the applicant shall improve the interior driveway to meet Public Resource Code 4290 and 4291 driveway standards.
- WILD-3: Prior to operation, the applicant shall have separate addresses for the tower and the single-family home located on the same parcel.

Tribal Comments

Lake County sent letters to 12 tribes on September 5, 2023, informing tribes of the proposed project and offering consultation under AB-52. No comments were received.

Agency Comments

Staff received comments from the following agencies:

1. Lake County Agriculture Department
2. Lake County Building Division
3. Lake County Special Districts
4. Lake County Planning Division, Resource Planner
5. Lakeport Fire Protection District
6. Northwest Information Center
7. PG&E
8. California Department of Fish & Wildlife

Comments requiring applicant actions were received from the following agencies:

1. Lake County Building Department – The applicant must get applicable building permits and access will need to be PRC 4290 compliant.
2. Lakeport Fire Protection District – Primary residence and cell tower require separate address. Address must be posted with contrasting colors, retro-reflective of required size, perpendicular to the road, visible from both direction at the roadway for each address accessed from driveway. Required to install Knox Boxes, Knox Locks, and / or Knox Electronic Key Switches at/ for all applicable access points, gates, etc., identify size and location of diesel fuel tank for generator.
3. Lake County Resource Planning – The project must adhere to the standards of Lake County Municipal Code Chapter 30 Grading Ordinance

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

- A. Adopt Initial Study (IS 23-14) for Major Use Permit (UP 23-07) with the following findings:
 - 1. Potential impacts to Aesthetics (AES) can be mitigated to 'less than significant' levels with the inclusion of mitigation measure AES-1 through AES-3.
 - 2. Potential impacts to Air Quality (AQ) can be mitigated to less than significant levels with the inclusion of mitigation measure AQ-1.
 - 3. Potential environmental impacts related to Biological Resources (BIO) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-4.
 - 4. Potential environmental impacts related to Cultural Resources (CUL) can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-3.
 - 5. Potential impacts to Geological and Soil Resources (GEO) can be mitigated to less than significant levels through mitigation measure GEO-1 through GEO-3.
 - 6. Potential impacts to Hydrology and Water Quality (HYD) can be mitigated to less than significant with the inclusion of mitigation and measures GEO-1 through GEO-3.
 - 7. Potential environmental impacts related to Tribal Cultural Resources (TCR) can be mitigated to less than significant levels with the inclusion of mitigation measures TCR-1 and TCR-2.
 - 8. Potential environmental impacts related to Wildfire (WILD) can be mitigated to less than significant levels with the inclusion of mitigation measures WILD-1 through WILD-3.
 - 9. This project is consistent with land uses in the vicinity.
 - 10. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Lake County Zoning Ordinance.
- B. Approve Major Use Permit (UP 23-07) with the following findings:
 - 1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
 - 2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 - 3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
 - 4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

5. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Lakeport Area Plan, and the Lake County Zoning Ordinance.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
7. That the project meets all requirements found within Articles 5, 27, 34, 36, 37, 41, 51.4 and 71, and complies with all applicable Plans adopted by Lake County.

Sample Motions :

Mitigated Negative Declaration (IS 23-14)

I move that the Planning Commission adopt Mitigated Negative Declaration (IS 23-14) for Assurance Development on property located at 3275 Hill Rd., Lakeport (APN: 005-015-41) based on the findings in the staff report dated January 23, 2025.

Major Use Permit (UP 23-07)

I move that that the Planning Commission approve Major Use Permit (UP 23-07) for Assurance Development on property located at 3275 Hill Rd., Lakeport (APN: 005-015-41) based on the findings, and subject to the conditions in the staff report dated January 23, 2025.

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission's decision, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Planning Commission's final determination.*