



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Item # 3
9:30 AM
January 24, 2019

STAFF REPORT

TO: Planning Commission

FROM: **Michalyn DelValle**, Community Development Director
Mireya G. Turner, Associate Planner

DATE: January 24, 2019

SUBJECT: **Major Use Permit, UP 18-01; Initial Study, IS 18-06 for 85-foot broad leaf mono-tree telecommunications tower; project located at 9475 Mojave Trail, Kelseyville (APN 009-004-21)**

Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Proposed Project Packet (plans included)
3. Initial Study, IS 18-06
4. Proposed Conditions of Approval
5. Letters of Support – California Highway Patrol, Kelseyville Fire Protection District, and Lake County Sheriff's Office
6. Agency Comments
7. Public Comments (a–e)

I. EXECUTIVE SUMMARY

The project proposes to construct, operate and an unmanned 85 foot tall green mono-broad leaf wireless telecommunication tower, built to accommodate up to four (4) wireless communication carriers. Each carrier would be able to lease an area of approximately 300 (12' x 25') square feet in size. The proposed mono-broad leaf communication facility would allow up to four (4) – thirty-six (36) panel antennas, each approximately 8' x 18"; and up to eight (8) microwave dish antennas, approximately 36" in diameter. The proposed facility and supporting ground equipment, including each carrier's leased area would be contained within an area of approximately 2,500 (50' x 50') square feet in size each, and would be fenced in with a six foot (6') chain link fence.

Currently, the project site is accessible from an existing eight foot (8') to twelve foot (12') wide private dirt/gravel access easement/road located off of Mojave Trail. Mojave Trail is a County maintained road for only 0.02 miles, 105 feet, the length of the parcel bordering the Clear Lake Riviera, Unit 11 Subdivision. The access easement would be increased to a minimum of twenty feet (20') wide, with a

minimum of ten feet (10') of improved surfacing, pursuant to Article 71 (Communication Towers & Antennas); Section 71.8 (#13) "Access shall be provided to the communication tower and communication equipment building by means of a public street or easement to the 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 proposed tower would offer additional wireless service coverage in the Clear Lake Riviera Subdivision area.

The utilities (electricity and telephone) would be extended from the existing utility providers' points of connection, to the site and then accessed by the individual carriers through underground connections. Some grading would take place for the improvement of the access to the site.

According to the applicant a technician would conduct a site visit approximately once a month to ensure the facility is in working order and perform any necessary repairs/maintenance. A standby generator for maintenance purpose and during power outages and/or natural disasters is not proposed at this time.

Once construction begins, it takes approximately ninety (90) days to complete.

Staff Recommends approval of Major Use Permit, UP 18-01.

II. PROJECT DESCRIPTION

Applicant: Horizon Tower, L.L.P.
Owner: Richard Gubera
Location: 9475 Mojave Trail, Kelseyville
A.P.N.: 009-004-21
Parcel Size: ±39.5 acres
General Plan: Suburban Reserve
Zoning: "RR" Rural Residential
Flood Zone: "X"; outside the 500-year floodplain

III. PROJECT SETTING

Existing Uses and Improvements: The project parcel is currently developed with a residence

North: Clear, Lake Riviera Subdivision, Unit 11. Parcels are zoned "R1" Single Family Residential. The parcels range in size from ±0.16 to ±0.24 acres in size.

South: Clear Lake Riviera Subdivision, Unit 11. Parcels are zoned “R1” Single Family Residential. The parcels range in size from ±0.16 to ±0.24 acres in size.

West: Parcels are zoned “RR” Rural Residential and “RL” Rural Lands. The parcels range in size from to ±39.5 to ±175 acres.

East: Clear Lake Riviera Subdivision, Unit 11. Parcels are zoned “R1” Single Family Residential. The parcels range in size from ±0.16 to ±0.24 acres in size.

Topography: Parcel is fairly flat (Less than 10% Slope)

Soils:

According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains the following soil types:

- Sodabay-Konocti association (223) has a 5 to 30% slope and is generally very deep and well drained. The permeability of this soil is moderately slow with a water capacity of approximately 9 to 10.5 inches. The surface runoff is rapid and the risk of erosion is severe.

Water Supply: on-site well

Sewage Disposal: on-site septic

Fire Protection: Kelseyville Fire Protection District

IV. PROJECT ANALYSIS

General Plan Conformance

The land use designation on this site is Suburban Reserve (SRe):

Suburban Reserve serves as a transitional designation between rural residential and urban residential uses. Typical uses include but are not limited to residential, agricultural and some commercial uses, including stables, riding academies and wineries.

County of Lake General Plan (2008) - Section 5.7 - Communications Systems

Goal PFS 7: To expand the use of informational technology in order to increase the County’s economic competitiveness, developed more informed citizenry, and improve personnel convenience for residents and business in the County.

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

Telecommunication Towers Facilities are essential in helping maintain the County’s Welfare, including Public Safety. Public Safety Agencies rely heavily on wireless

communication facilities throughout our county to effectively communicate with one another and to alert the general public regarding local emergencies and/or natural disasters. The development of additional Telecommunication Facilities throughout our County, would greatly improve the communication capabilities of our Public Safety Agencies, and the residents and/or businesses of Lake County.

Zoning Ordinance Conformance

Article 9 – Rural Residential “RR” District

The purpose of the “RR” Rural Residential Zoning District is to provide for single-family residential development in a semi-rural setting along with limited agriculture. The proposed communication tower is allowed upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11[Table B (ar)]. Prior to construction, the applicant shall submit and obtain a Building Permit from the Community Development Department to construct the proposed communication tower. The communication tower shall meet all Federal, State and local agency requirements. Upon Building Permit submittal, the Planning Department would perform a Zoning Clearance to ensure the proposed use has met all approved conditions of approval.

Rivieras Area Plan

The Rivieras Area Plan does not mention guidelines for telecommunications towers, however, it does contain the following objective:

Objective 3.5.2b: *To maintain the rural character of the planning area.*

The preservation of the rural character is the purpose of disguising the telecommunications tower as a broad leaf, mono-tree. With this camouflage, it is anticipated that the tower will blend in with the surrounding chaparral landscape, dotted with trees throughout.

Objective 4.3.1: *To apply measures which protect life and property from fires and reduce the potential for wildland fires.*

With limited egress from the Clear Lake Riviera area, successful communication of alerts is crucial to safe evacuation of residents and visitors. Lake County Emergency Responders send out alerts and updates to the estimated 3,800 residents via land line and cellular phone services, as well as through social media sites. The proposed telecommunications tower, with the colocation potential of up to four service providers, would be a significant improvement in coverage in the area for emergency notifications.

Visual simulations were conducted from four (4) locations representing views from public vantage points: Paloos Court, Fairway Drive, Tenino Way, and Tenaya Way, which are residential streets surrounding the site. As shown in the simulations due to the topography of the area, existing vegetative screening, and viewing distance, public views of the proposed tower would be partially screened. The tower would be located near the center of the 40-acre parcel, surrounded by brush and trees of varying heights. The proposed project would not substantially degrade the visual quality of the area or degrade views of a scenic vista. (*Attachment 2*)

Conditions of Approval

The applicant shall adhere to all conditions of approval, which include but is not limited to the following: (Attachment 4)

Condition A8: Prior to building permit final, the permit holder shall comply with all of the regulations and/or requirements of the Kelseyville Fire Protection District and CAL FIRE.

Condition B10: Existing trees and other vegetation which provide screening for the proposed facility and associated access roads shall be protected from damage during construction.

- If additional landscaping or visual screening is needed, the applicant shall submit a Landscape/Visual Screening and Irrigation Plan to the Community Development Department for review and approval.
- Said plan shall introduce native vegetation, drought tolerant species compatible with the predominant natural setting of the project area, and shall be maintained throughout the life of the project.

Condition B12: Any tree(s) that provides visual screening of the communication facility shall not 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.

Condition C1: Vegetation that is removed for development must be properly disposed. The applicant shall chip vegetation and spread the material for erosion control as an alternative to vegetation burning. Due to close proximity to the residential areas, chipping and/or mastication is recommended for the majority of the brush removal. (Mitigation Measure AQ-1)

Condition C8: Project development and vegetation disposal shall not create nuisance odors and/or dust. No burning is allowed as part of the commercial operation and development, including the burning of construction and/or demolition debris.

Condition J1: Prior to building permit final, 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 twenty (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.

Condition K2: Prior to issuance of any permits, the applicant pay the Annual Compliance Monitoring Fee of \$760.00 to the Community Development Department until all conditions of approval are met.

Government Code – Telecommunication Act of 1996

Telecommunication Act of 1996

Federal and state laws pre-empt and limit local government with respect to decisions about telecommunication facility siting. The Telecommunication Act of 1996 allows local government some authority, but it quite clear that a local government can only regulate

the design and location of telecommunication sites; i.e “the placement, construction and modifications of the facilities (Section 704 (a) General Authority)”.

Section: 704. Facilities Siting; Radio Frequency Emission Standards.

- (iv) “No state or local government or instrumentality thereof may regulate the placement, construction and modification of personnel wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions.”

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. Please refer to *Initial Study IS 18-06* (Attachment 3) for the Environmental Analysis of the proposed Communication Tower. Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified to as having potential environmental impacts:

Issue: Aesthetics

The proposed telecommunications tower is to be located on an undeveloped portion of a ±39.5 acre parcel. It is proposed as a broad leaf mono-tree tower to help it blend in with the neighboring vegetation. Lighting could cause impacts to the neighboring parcels. The implementation of the mitigation measure below will reduce potential lighting impacts to less than significant.

- Mitigation Measure AES-1: All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: www.darksky.org and provisions of Section 21.41.8 of the Zoning Ordinance.

Issue: Air Quality

The project site is located adjacent to residential development and the proposed development has the potential to result in short- and long-term air quality impacts due to construction and routine maintenance of the tower. Additionally, dust and fumes may be released as a result of vegetation removal, grading, and use of construction equipment. Therefore, the implementation of the mitigation measures below would reduce any potential Air Quality impacts to less than significant.

- Mitigation Measure AQ-1: Vegetation that is removed for development must be properly disposed. The applicant shall chip vegetation and spread the material for erosion control as an alternative to vegetation burning. Due to close proximity to residential areas, chipping and/or mastication is recommended for the majority of the brush removal.
- Mitigation Measure AQ-2: Vehicular and fugitive dust shall be minimized by use of water or acceptable dust palliatives on all driveways, roads and parking areas to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property.

- Mitigation Measure AQ-3: All access roads, driveways and parking areas shall be paved, chip sealed, gravel or an equivalent all weather surface to reduce air particulates. Said material shall be maintained for life of the project.
- Mitigation Measure AQ-4: The speed limit shall be posted as 5 mph during construction to reduce dust impacts during construction.
- Mitigation Measure AQ-5: All Mobile diesel equipment used for construction and/or maintenance must be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air toxic Control Measures for CI engines.
- Mitigation Measure AQ-6: The applicant shall adhere to all Federal NESAP of NSPS for all Stationary Spark-Ignition Engines which shall be operated and maintenance according to the manufacture recommendations. The applicant and/or operator shall maintain records of use, maintenance, and other operational issues, and provide these records to the Community Development Department and/or the Lake County Air Quality Management District upon request. The applicant shall coordinate with the Lake County Air Quality Management District and obtain all necessary permits **prior to the issuance of permits and submit written verification to the Community Development Department.**

Issue: Biological Resources

A Biological Resource Assessment, performed by Synthesis Planning dated May 2018 found conditions suitable for the potential presence of the Pallid Bat and the Townsend's big-eared bat. Additionally, though survey findings for 32 targeted special-status plant species were negative, there are 25 remaining species with blooming periods outside the survey date. Their presence could not be surveyed, prompting inclusion of the mitigation measures listed below.

During the Environmental Review (CEQA) process, the Community Development Department determined there may be potential impacts related to Biological Resources which have been mitigated to insignificant levels with the incorporated mitigations and Conditions of Approval which include but are not limited to the following: (Attachment 4)

- Mitigation Measure BIO-2: For any ground disturbing activities during the breeding season of migratory avian or raptor species (February through mid-September), applicant shall have a qualified biologist conduct surveys for active nests no more than ten (10) days prior to start of activities. 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 will 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 will 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 Condition measures will be required. If active nesting sites are found, the following exclusion buffers will be established, and no project activities will occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival.

- *A minimum no disturbance of 250 feet around active nest of non-listed bird species and a 250 foot no disturbance buffer around migratory birds.*
 - *A minimum no disturbance of 500 feet around activeness of non-listed raptor species.*
 - *A 0.5 (1/2) 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 nest(s) shall be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes occur, the work causing these changes shall cease and the applicant shall contact the appropriate agencies (i.e. CA Dept. of Fish & Wildlife, US Fish and Wildlife Services) shall be consulted for additional avoidance and minimization measures.*
 - *A variance for these “no disturbance buffers” may be implemented when there is compelling biological and/or ecological reasons. Variance from these buffers is advised to be supported by a qualified Wildlife biologist and the CA Department of Fish & Wildlife and US Fish & Wildlife Services shall be notified in advance of implementation of a no disturbance buffer.*
- **Mitigation Measure BIO-3: Prior to issuance of any permits**, the applicant shall submit a Best Management Practices (BMP) Plan to the Community Development Department for review and approval. Said plan shall use best management practice to avoid debris contamination into drainages and other sensitive wildlife habitats.
 - **Mitigation Measure BIO-4:** The applicant shall ensure all personnel working in the field, have completed an *Environmental Awareness Training*. Said training shall consist of a brief presentation in which a qualified biologist knowledgeable of the endangered species biology and legislative protection explain the endangered species concerns, including special plants status and sensitive wildlife species to ensure the protections of these species and their habitats.
 - **Mitigation Measure BIO-5:** A qualified botanist will conduct pre-construction field surveys to identify any populations of special-status plant species within the proposed project site that will be disturbed during project activities. These surveys shall be conducted prior to the issuance of any permits and/or initiation of any construction activities and coincide with the appropriate flowering period of the special-status plant species with the potential to occur in the project area. If any special-status plant species populations are identified within and/or adjacent to the proposed disturbance area, the project applicant shall implement the following:

- *If any population(s) of special-status plant species is identified directly adjacent to the proposed project site, a qualified biologist retained by project proponent will clearly delineate the location of the plant population, and install protective fencing between the disturbance zone and the plant population to ensure that the plant population is adequately protected.*
- Mitigation Measure BIO-6: Due to the potential for special species to occur, and/or move throughout the project area, the applicant shall have an on-site biological monitor check the ground beneath all equipment and stored materials each morning prior to the commencement of work activities during ground disturbance and/or removal of existing vegetation.
- Mitigation Measure BIO-7: All piping and/or tubing greater than four (4) inches shall be sealed by the relevant contractor with tape at both ends to prevent animals from entering the piping when construction does occur.
- Mitigation Measure BIO-8: All trenching and/or similar excavations shall be backfilled the same day they are opened or have an exit ramp built into the excavation area(s) to allow species to escape safely.
- Mitigation Measure BIO-9: Applicant shall have project site boundaries clearly delineated by stakes and/o flagging to minimize inadvertent degradation and/or loss of adjacent habitat during project operations. Staff and/or contractors shall post signs and/or place fences around the project site to restrict access of vehicles and equipment unrelated to drilling operations.
- Mitigation Measure BIO-10: A Bat habitat survey shall be conducted by a qualified Biologist prior to the issuance of any permits and/or commencement of constructing. If shrubs/trees removal be necessary, it shall only occur during seasonal period of bat activity, between March 1, (or when evening temperatures are above 45 degrees Fahrenheit and rainfall is less than ½ inch in a 24 hour period); and April 15, prior to parturition of pups. The next acceptable period of shrub/tree removal with suitable roosting habitat shall occur after pups become self-sufficiently Volant (September 1 through October 15), or prior to evenings temperatures dropping below 45 degrees Fahrenheit and onset of rainfall greater than ½ inch in 24 hours.
- Mitigation Measure BIO-11: A qualified botanist shall conduct a pre-construction field survey to identify any populations of special-status plant species within the proposed project site that will be disturbed during project activities. These surveys shall be conducted prior to the initiation of any construction activities and coincide with the appropriate flowering period of special-status plants species with the potential to occur in the project area.
 - *If any special-status plant species populations are identified within or adjacent to the proposed disturbance area, the applicant shall have a qualified biologist clearly delineate the location of the plant population,*

install protective fencing between the disturbance zone and the plant population to ensure the protection of the plant species.

- Mitigation Measure BIO-12: When a special plant species occurs within the proposed disturbance zone, the applicant shall consult with CA Dept. of Fish & Wildlife and the US Fish & Wildlife Services to determine the appropriate measure to be taken in order to avoid and/or mitigate impacts to the species/populations which shall include adjusting the boundaries of the disturbance zone where feasible and the applicant shall implement one or more of the following: 1) Transplant potentially affected plants to areas not planned for disturbance. If plant is transplanted, applicant shall plant two (2) or more plants. Said transplants shall be managed and monitored by the applicant and shall survive for a minimum of five (5) years after planting; 2) Seeds and/or purchased plants shall be planted in an area adjacent to the disturbed zone; 3) Applicant may purchase credits at an approved mitigation bank at a ratio approved by the CA Dept. of Fish & Wildlife, US Fish & Wildlife Services and the applicant.
- Mitigation Measure BIO-13: If any oak tree larger than five (5) inches in diameter at breast height (DBH) that are removed as part of the project shall be replanted/replaced at a ratio of three (3) to one (1) for each oak tree removed. Any replanted/replaced oak tree shall be monitored until permanently established in accordance.
An Oak Mitigation Plan shall be submitted to the Community Development Department for review and approval. Said plan shall indicate size of tree and identify trees to be removed, including a replanting schedule and take into account the current drought conditions and optimal time for replanting. (Mitigation Measure BIO-13)

The proposed tower is consistent with the surrounding land uses in the area, even though the parcel are zoned "R1" Single-family Residential as Telecommunication Towers Facilities are essential in helping maintain the County's Welfare, including Public Safety. Public Safety Agencies rely heavily on wireless communication facilities throughout our county to effectively communicate among one another but also to alert the general public regarding local emergencies and/or natural disasters. The development of additional Telecommunication Facilities throughout our County, would greatly improve the communication capabilities of our Public Safety Agencies, and the residents and/or businesses of Lake County

This project is consistent with the Lake County General Plan, Rivas Area Plan and the Lake County Zoning Ordinance as the proposed use is permitted upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11 [Table B(ar)]. On January 29, 2018, the applicant applied for a Major Use Permit. Prior to construction, the applicant shall submit and obtain a Building Permit from the Community Development Department to construct the proposed Communication Tower. The proposed communication tower shall meet all Federal, State and local agency requirements. Upon Building Permit submittal, the Planning Department would perform a Zoning Clearance (ZC) to ensure the proposed use has met all approved conditions of approval. Building Permits and Zoning Clearances will also be required for the service providers who locate and collocate at the tower in the future.

As mitigated with the incorporated mitigation measures and Conditions of Approval the proposed use would not result in any significant adverse environmental impacts. (Attachment 4)

VI. FINDINGS FOR APPROVAL

Major Use Permit (Article 51, Section 51.4a)

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 as a Communication Tower is a permitted use in the Rural Residential Zoning District upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11(ar) (Table B). On January 29, 2018, the applicant applied for a Major Use Permit. Prior to construction, the applicant shall submit and obtain a Building Permit from the Community Development Department to construct the proposed Communication Tower. The proposed communication tower shall meet all Federal, State and local agency requirements. Upon Building Permit submittal, the Planning Department would perform a Zoning Clearance (ZC) to ensure the proposed use has met all approved conditions of approval. Building Permits and Zoning Clearances will also be required for the service providers who locate and collocate at the tower in the future.
2. The project site is approximately 39.5 acres and developed with a residence and outbuildings. The project parcel has a slope of a less than 10%. The site is located in an area of the county where parcels are developed with single-family and multi-family residential structures. The project parcel is located in close proximity to existing infrastructure.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use. The project is accessible by a private easement off of Mojave Trail, a County maintained roadway.
4. The project site has an existing on-site private well and wastewater systems and has adequate emergency service protection through Kelseyville Fire Protection District and the Lake County Sheriff's Office.
5. The project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use study or plan upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11 [Table B (ar)]. On January 29, 2018, the applicant applied for a Major Use Permit.
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. The

department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

Wireless Communication Tower Findings of Approval (Article 71, Section 71.13)

1. The applicant completed Visual Simulations for the proposed 85 foot tall broad leaf mono-tree wireless telecommunication tower from four (4) locations representing views from public vantage points: From Paloos Court, Fairway Drive, Tenino Way and Tenaya Way. As shown in the simulations due to the topography of the area, existing vegetative screening, and viewing distance, public views of the proposed tower would be partially screened. The tower would be located in the Southeast quadrant of the 39.5-acre parcel, between 500 to 1285 feet from the nearest streets and Highway 281; with housing and tall chapparral in between. In addition, although the tower would be visible from some locations, its green tree-like broad leaf design is intended to blend with the existing natural environment to the extent possible to not block views of scenic vistas, such as open space and views of the mountains to the west. Therefore, the proposed project would not substantially degrade the visual quality of the area or degrade views of a scenic vista. Additionally, potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval.
2. The project site is approximately 39.5 acres with a slope of less than 10% and is developed with a residence and outbuildings. Even though the site has existing development, the project site and proposed location within the site is adequate for the development of the proposed wireless communications facility.
3. The proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance upon issuance of a Major Use Permit, pursuant to Article 27, Section 27.11[Table B(ar)]. Additionally, prior to construction, the applicant shall submit and obtain a Building Permit from the Community Development Department to construct the proposed Communication Tower. The proposed communication tower shall meet all Federal, State and local agency requirements. Upon Building Permit submittal, the Planning Department will perform a Zoning Clearance (ZC) to ensure the proposed use has met all approved conditions of approval.
4. There are no known code violations and upon issuance of a Major Use Permit, pursuant to Article 27, Section 27.11[Table B(ar)]. The subject property upon which the wireless communications facility is to be built will be in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.

VII. RECOMMENDATION

Staff recommends that the Planning Commission approve the project with the following findings:

A. Adopt a Mitigated Negative Declaration based on Initial Study, IS 18-06 for Major Use Permit, UP 18-01 with the following findings:

1. Potential environmental impacts related to Aesthetics have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
2. Potential environmental impacts related to Air Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
3. Potential environmental impacts related to Biological Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
4. Potential environmental impacts related to Cultural Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
5. Potential environmental impacts related to Hydrology & Water Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
6. Potential environmental impacts related to Tribal Cultural Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
7. Potential environmental impacts related to Mitigation Monitoring and Expiration have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
8. This project is consistent with land uses in the vicinity.
9. This project is consistent with the Lake County General Plan, Rivas Area Plan and Zoning Ordinance.
10. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve Major Use Permit, UP 18-01 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.
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 General Plan and any approved zoning or land use plan.
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.

C. Approve the Wireless Communication Tower with the following findings:

1. That the development of the proposed wireless communications facility will not significantly affect any public view shed, scenic corridor or any identified environmentally sensitive area or resource as defined in the Lake County General Plan or Area Plans.
2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the least intrusive for the provision of services as required by the FCC.
3. That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.
4. That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find on the basis of the **Initial Study No. 18-06** prepared by the Planning Division and the mitigation measures which have been added to the project, that the **Use Permit, UP 18-01** as applied for by **Horizon Tower, LLP** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated **January 24, 2019**.

Major Use Permit

I move that the Planning Commission find that the **Use Permit, UP 18-01** applied by **Horizon Tower, LLP** on property located at **9475 Mojave Trail, Kelseyville, further described as APN: 009-004-21** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated **January 24, 2019**.

Wireless Communication Facility Approval

I move that the Planning Commission find that the Wireless Communication facility applied for by **Horizon Tower, LLP** on property located at **9475 Mojave Trail, Kelseyville, further described as APN: 009-004-21** does meet the requirements of Section 71.13 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Wireless Communication Facility be granted subject to the conditions and with the findings listed in the staff report dated **January 24, 2019**.

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, 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 Commission's final determination

Reviewed By:_____