



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item 1

9:05 AM

February 25, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

DATE: February 25, 2021

RE: **Incline Power; Major Use Permit (UP 20-18), and Initial Study (IS 20-21) 16355 S. Highway 20, Clearlake Oaks, and further described as APN: 010-055-31**

Supervisor District 2: Bruno Sabatier
Planning Commissioner: Everardo Chavez

ATTACHMENTS:

1. Vicinity Map
2. Vacant
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plan, Telemetric Photos, Details
6. Initial Study IS 20-21
7. Letters of Support – Emergency Service Providers

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for a new 150' tall cell tower on the subject site, along with an emergency generator and associated electrical equipment needed for the cell tower to function. The tower is regarded as a large tower at 150 feet in height. This project is for a new single lattice tower that will be capable of allowing co-located facilities on it. This application includes:

- 150' multi-function lattice tower
- One 80' by 80' multi-carrier compound (fenced enclosure)
- Four (4) 10' by 4' generator slabs
- Four (4) 15' by 20' carrier lease areas
- One (1) transformer on concrete pad
- One (1) 5' by 3' Telco vault
- One (1) 20' wide access gate with signage
- One (1) 6' tall fence around the 80' by 80' concrete pad / compound
- One (1) utility 'H-Frame'

- One (1) 80' wide utility and access easement
- Twelve (12) carrier antennas

The cell tower site is on a portion of the site that is relatively flat. There are high voltage lines located on the subject site. The tower site area is developed with a PG&E electrical tower and overhead lines, an access road, and ancillary equipment. The tower site is served by an existing 20' wide access driveway that connects the site with E. Highway 20. The interior access aisle will be graveled, and will also be used as a utility easement to supply power to the tower.

Access to the facility will be from an existing access road from Highway 20 which crosses an adjoining parcel owned by the same party that owns the tower parcel. The access road will be extended approximately 900 feet to the tower compound adjacent to an existing PG&E easement and access road. A ten foot wide minimum turnout will be added approximately halfway down the access road to comply with Cal Fire requirements.

The applicant proposes to improve the existing access road/easement on the subject site beginning at the end of the paved driveway and leading up the rise to the cell tower site. A portion of the existing roadway would be moved approximately 10'-15' east of its current location. The relocation of the roadway in these certain areas would improve the management of the roadway's drainage and help improve the long term viability of the access road for the Telecommunication Facility, including emergency personnel.

Cellular coverage maps show service gaps in the area and existing facilities are not meeting service needs associated with voice and increased wireless data needs. This project will provide additional facilities to meet service needs in the area. The additional facilities will also provide improved wireless communication service in emergencies to help protect public health, safety, and welfare. It is also likely that a fire camera will be installed to enhance fire safety in the area. This facility will greatly enhance wireless phone and data coverage at the junction of Highways 20 and 53 in Clearlake Oaks, and heading east on Highway 20 where currently there is little to no coverage on this highway and residences in the area. The site is intended to connect wireless coverage with the new cell tower site in the Spring Valley area.

Construction

Construction of the 150' tall cell tower is anticipated to take between one and two months. Staging of equipment will occur on the existing interior driveway on previously disturbed soil that has a layer of gravel applied to the surface of the driveway. The access road will be extended approximately 900 feet to serve the proposed tower, and a ten foot-wide turnout will be added about half-way down this service road extension to comply with CalFire turnout spacing requirements. Estimated grading will be less than 500 cubic yards of earth being moved to prepare the 80' x 80' tower pad and the 900 foot service road extension. The estimated amount of earth to be moved is below the threshold for a grading permit.

The tower compound will be enclosed by a six-foot tall fence, and one parking space will be designated inside the fenced enclosure area. Construction will occur Monday through Friday, from 8 am to 5 pm.

Brush (approximately 6,400 sf) will be removed for site preparation and road improvements by cutting parallel to and within one inch of the ground. Brush on average is less than ½ inch diameter at breast height. Removed brush shall be gathered on site and burned during the appropriate burn season per County and Fire regulations. All brush shall be removed (i) within the eighty foot (80') wide, 900 foot long service road extension commencing where the new access turns north out of the PGE right of way and (ii) within the 80 by 80 foot compound (plus an additional twenty feet (20') outward from the compound in each direction for construction staging.

The fenced enclosure will incorporate hay wattles around the perimeter as an erosion control measure during and after construction.

Operation

Upon completion of construction, maintenance of carrier equipment (the equipment used by the cell tower service providers) will be necessary, meaning the site will be visited once or twice a month by a service technician for each carrier for routine maintenance, unless there is an emergency. The tower will initially support one carrier, but has the capability of supporting up to four individual carriers through co-location. One parking space inside the fenced compound is needed and used for maintenance activities. The site is entirely self-monitored and alerts personnel to any equipment malfunction or breach of security. Because the facility will be un-staffed, there will be no regular hours of operation and no change to existing traffic patterns. No on-site water or sanitation services will be required as a part of this proposal. The standby diesel generator will operate in the event of an emergency power outage and scheduled testing.

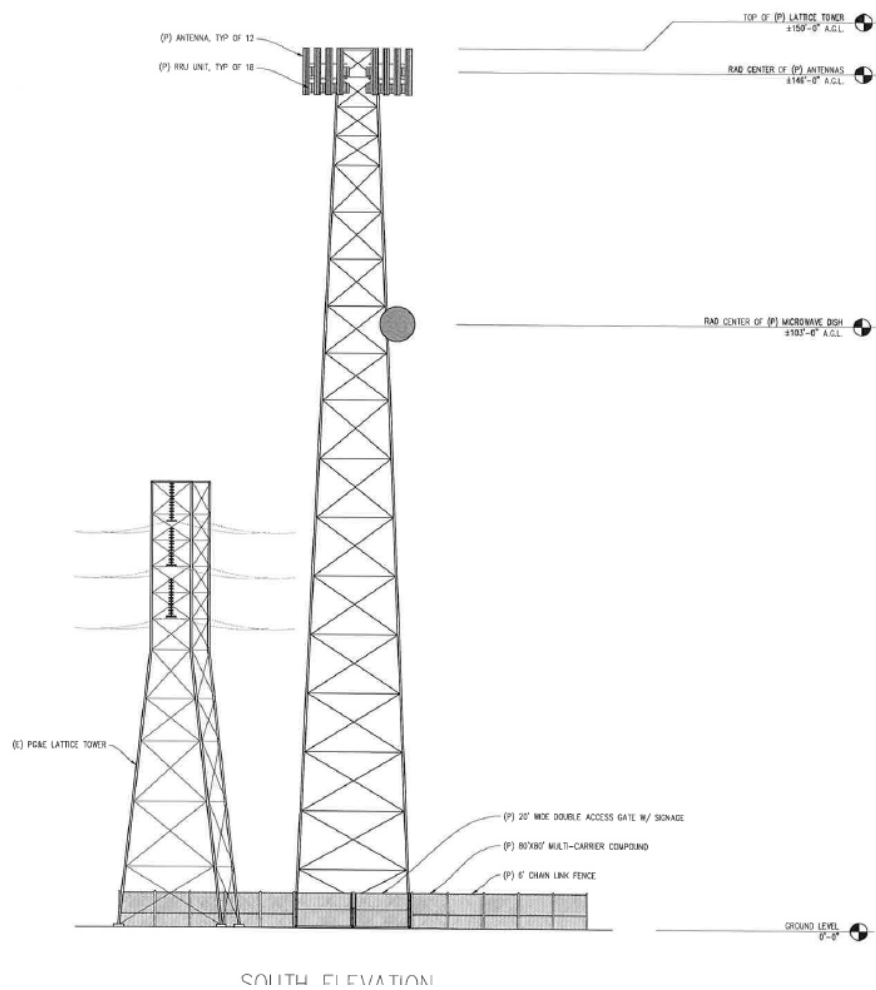
Staff is recommending **Approval with Conditions** of UP 20-18.



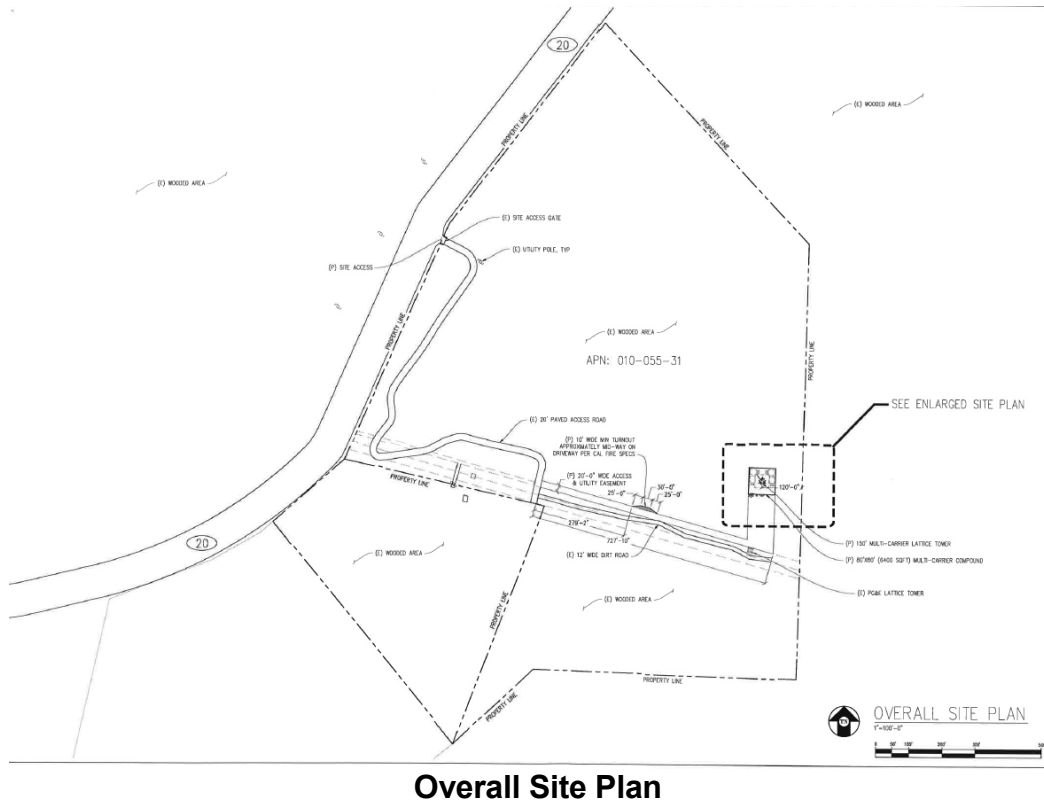
Aerial Photo of Site and Property



Entrance to Tower Site



Elevations



II. PROJECT DESCRIPTION

Applicant: Incline Power, LLC

Owner: Patsy Thorburn

Location: 16355 S. Highway 20, Clearlake Oaks

A.P.N.s: 010-055-31

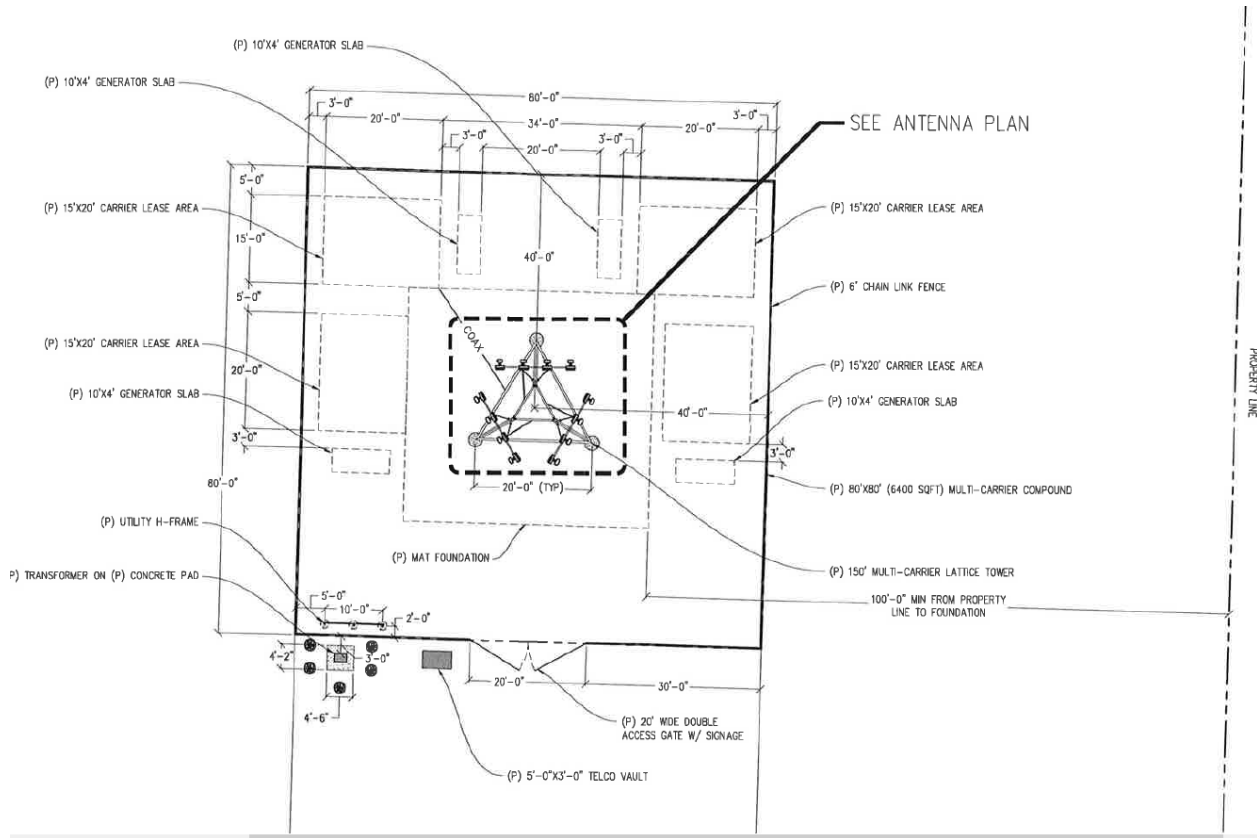
Parcel Size: 26.55+ acres

General Plan: Rural Lands and Rural Residential

Zoning: "RL-SC and RR" (split zoned); Rural Lands – Scenic Combining, and Rural Residential

Flood Zone: None

Development Area: 6,400 sq. ft. excluding the interior driveway; see diagram, next page



III. PROJECT SETTING

Existing Uses and Improvements: The parcel is about 26.55+ acres in size and is large enough to support the tower. The property contains a well and septic system. There had been a dwelling and several sheds and out buildings on the site, however, all on-site structures were destroyed during the Valley Fire in 2017.

Surrounding Uses and Zoning

North: "RL" Rural Lands zoned properties. Parcel sizes range from approximately two to over 100 acres. There is one dwelling located about 2,500 feet north of the proposed tower site.

South: "RL" Rural Lands zoned properties. Parcel sizes range from approximately 15 to 60 acres in size and are undeveloped.

East: "RL" Rural Lands zoned land. Parcel sizes range from approximately 30 to over 100 acres in size and are undeveloped.

West: "RR" Rural Residentially-zoned land with parcels ranging from 10 to 20 acres and which are undeveloped.

Topography: Varied, tower site, interior access road and parking area are mostly under 10%.

Soil: 153 **Konocti-Hambright complex, 15 to 30 percent slopes.** This map unit is on hills, rock outcroppings and stones 10 inches to 50 feet in diameter are common throughout the unit. The vegetation is mainly oaks, brush, and annual grasses. Elevation is 1,000 to 2,500 feet. The average annual precipitation is about 25 to 40 inches, the average annual air temperature is 56 to 60 degrees F, and the average frost-free period is 160 to 200 days.

Water Supply: Existing well

Sewage Disposal: Existing On-Site Septic

Fire Protection: South Shore Fire Protection District

Vegetation: Several varieties of oak trees, grass and some manzanita brush

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designations for the subject sites is Rural Lands and Rural Residential. The following General Plan policies relate to site development in the context of this proposal:

Rural Lands

Rural Lands allows for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds, and are located outside of Community Growth Boundaries.

Rural Residential

This land use category is designed to provide single-family residential development in a semi-rural setting. Large lot residential development with small-scale agricultural activities is appropriate. These areas are intended to act as a buffer area between the urban residential development and the agricultural areas of the County. Building intensity should be greater where public services such as major roads, community water systems, or public sewerage are available. However, most of the lands designated for this land use category would have wells and septic systems. These lands provide important ground water recharge functions. As watershed lands these lands function to collect precipitation and provide for important filtering of water to improve water quality.

They are generally supportive to the management of the natural infrastructure of the watersheds.

Typical uses permitted by right include single family residences; crop production; raising of poultry, rabbits, and other small animals for domestic use; raising of bovine animals, horses, sheep, and goats for domestic use; and sale of crops produced on the premises. Typical uses permitted conditionally include agricultural-related services and recreational facilities. This designation is primarily located outside of Community Growth Boundaries, but some areas will be appropriate inside these boundaries as well.

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 personal 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 Lake 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 wireless communication facilities throughout Lake County, would greatly improve the communication capabilities of Lake County public safety agencies, and the residents and/or businesses of Lake County, especially in areas with limited wireless communication coverage.

Shorelines Communities Area Plan

The Shoreline Communities Area Plan is a guide for long term growth and development in the planning area and is complement the General Plan. Additionally, long range planning should provide adequate land use allocations to meet the communities needs while protecting the County's natural resources.

Objective 5.4.5: "Ensure the orderly development of communication and energy systems in order to increase economic competitiveness, keep the public informed, and improve personal convenience for both residences and businesses"

- Policy 5.4.5(a): Provide reliable and cost effective telecommunication services within the planning area

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 wireless communication facilities throughout our County, would greatly improve the communication capabilities of our public safety agencies, and the residents and/or businesses of Lake County, especially in areas with limited wireless communication coverage.

Zoning Ordinance Conformance

Article 7 – Rural Lands (RL). The purpose of this zoning designation is to provide for resource related and residential uses of the County’s undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access.

Article 8 – Rural Residential (RR). The purpose of this zoning designation is to provide for single-family residential development in a semi-rural setting along with limited agriculture. The following regulations shall apply in all “RR” districts.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permits, minor or major use permits in addition to any required building, grading and/or health permits.

Article 34 – Scenic Combining “SC” Combining Zoning District:

The purpose of the Scenic Combining “SC” Combining District is to protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation based economy of the County.

The project parcel is located off of State Highway 20, which is considered a Scenic Corridor. The Scenic Combining District extends approximately 460 feet from the center of State Highway 20 outward.

The Scenic Combining District captures the interior driveway up to the parking area, but does not extend to the tower site. Only a small southeast portion of the project parcel is within the Scenic Combining Overlay District.

Once constructed, the proposed wireless communication facility may be visible to motorists and adjacent residents, however, due to the rate at which motorists travel along State Highway 20, viewers would only experience brief views of the wireless communication facility, including from vantage points where it would be most visible. The wireless communication facility is designed and sited in a manner that would not obstruct views of the natural features and scenic resources in the area, consistent with County policies for preserving scenic resources such as General Plan Policy PFS 7.3 and Shoreline Community Area Plan Policy 5.4.5a. Additionally, the proposed facility would be designed similar to the existing PG&E High Voltage tower located nearby, including over-head power lines.

Government Code – 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 is 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)”.

Telecommunication Act of 1996; 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 land use actions. Please refer to *Initial Study IS 20-21* (Attachment 6) for the Environmental Analysis of the proposed use permit project. 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 as having potential environmental impacts:

Air Quality

1. Prior to obtaining the necessary permits and/or approvals, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions. *(Mitigation Measure AQ-1)*
2. All mobile diesel equipment used must be in 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-2)*
3. 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)*
4. Work practices shall minimize vehicular and fugitive dust during the wireless communication facility development and management by use of water or other acceptable dust palliatives 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-4)*

Cultural and Tribal Resources

1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist

to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5. *(Mitigation Measure CUL-1)*

2. All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds. *(Mitigation Measure CUL-2)*

Noise

1. All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work. *(Mitigation Measure NOI-1)*
2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11.12 at the property lines. *(Mitigation Measure NOI-2)*
3. The operation of the emergency backup generator shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines. *(Mitigation Measure NOI-3)*

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.

The proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the person residing and/or working within the vicinity as all the potential environmental impacts have been reduced to less than significant levels with the incorporated mitigation measures and conditions of approval. Additionally, a communication tower is a permitted use in the "RR" Rural Residential Zone and "RL" Rural Lands Zoning District upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11 Table B(ar) of the Lake County Zoning. 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.

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 project site is approximately 26 acres in size with slopes that range from 0% to greater than 30%. The site is located in an area of the county where the majority parcels are undeveloped, except for single family dwellings and accessory structures.

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

The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use. The project parcel is accessible from an existing on-site paved driveway that begins at State Highway 20 and terminates about 900 feet to the south of the tower site. A second existing driveway that is not paved serves the PG&E tower that is located about 200 feet from the proposed cell tower. The applicant will put surfacing material on the unpaved road that leads to the tower.

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 project site is served by an existing onsite waste disposal system (septic) and onsite well and has adequate emergency service protection through South Shore Fire Protection District, the Lake County Sheriff's Office and the California Highway Patrol (CHP).

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 approval of the Major Use Permit will ensure consistency with the Lake County General Plan, Shoreline Communities Area Plan and the Lake County Zoning Ordinance as a Telecommunication Facility is permitted in the "RR" – Rural Residential Zoning District and in the "RL" Rural Lands Zoning Districts upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11, Table B(ar) of 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.

There are no known violations on the subject site.

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

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.

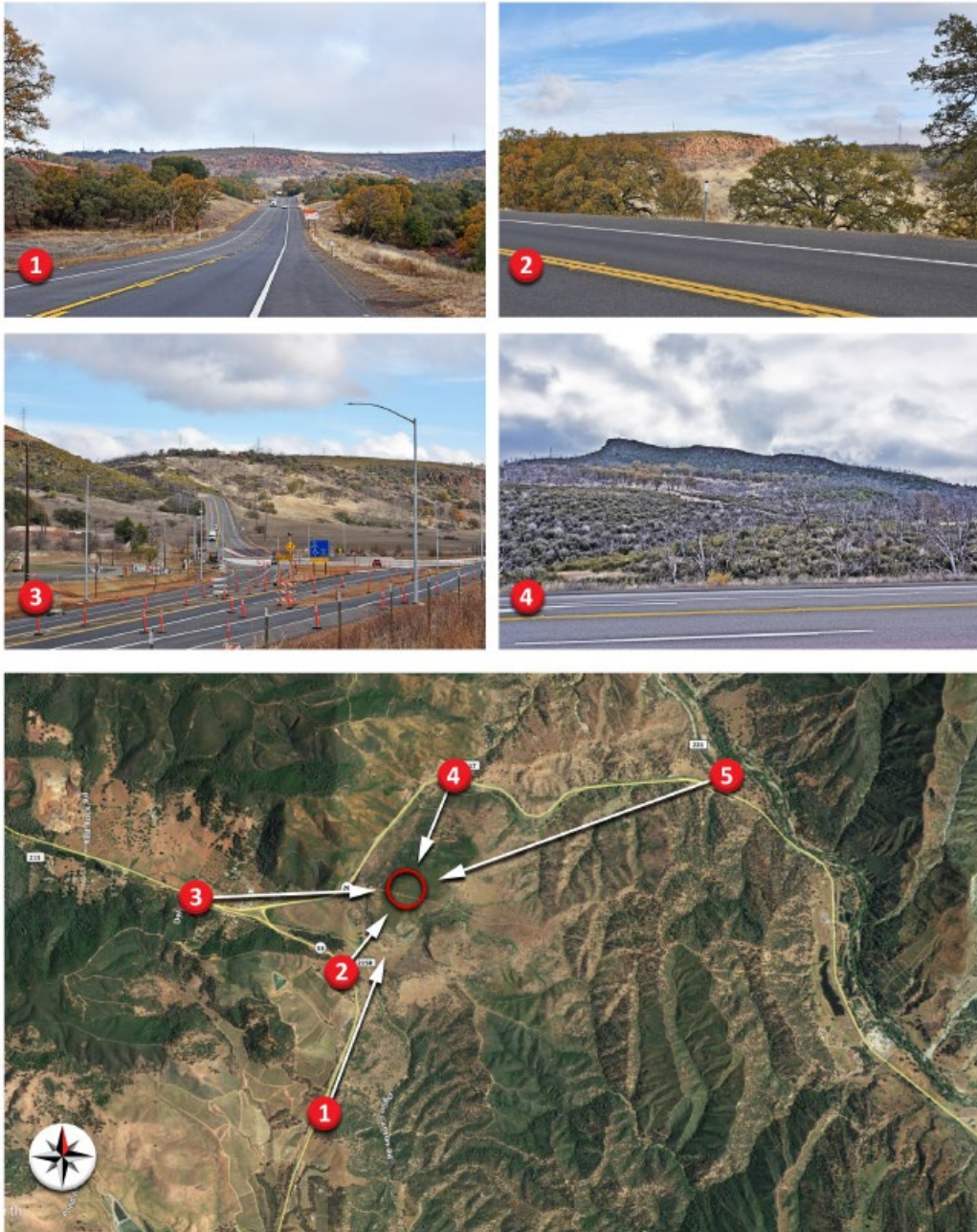
The applicant completed a Visual Simulations for the proposed 150 foot tall lattice wireless telecommunication tower from five (5) locations representing views from public vantage points. The following locations were analyzed. (Refer to Attachment 5 for all photos):

- *View One: Various vantage points near the tower.*
- *View Two: Looking northeast from Hwy 53*
- *View Three: Looking northeast from Hwy 20*
- *View Four: Looking southwest from Hwy 20*
- *View Five: Looking southwest from Cache Creek Vineyards parking lot*

The public views of the proposed tower would not be screened; the tower will be visible for some significant distances along State Highway 20, a State Scenic Highway. There is no way to screen the tower without the tower losing its functionality, and no screening is being proposed by the applicant or by the County.

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.

The project site is approximately 26.55 acres in size with a slope that ranges from 0% to greater than 30%. The project site was developed with a single family residence and accessory structures, however these structures were destroyed during the 2017 Valley Fire. The site is served by an onsite well and an onsite septic system. The elevated positioning of the site makes it ideal from a functionality standpoint for the proposed wireless communications facility.



INCLINE PARTNERS, LLC Thornburn Tower

Aerial Map



3. That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.

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) of the Lake County Zoning. 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 review and issue a zoning clearance to ensure the proposed use has met all approved conditions of approval.

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

A communication tower is a permitted use in the “RR” Rural Residential Zoning District and in the “RL” Rural Lands Zoning District upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11 [Table B(ar)] of the Lake County Zoning Ordinance. 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.

VII. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 20-21) for Use Permit (UP 20-18) with the following findings:

1. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3 and AQ-4.
2. Potential environmental impacts related to Cultural resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
3. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
4. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
5. Any changes to the project will require an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Use Permit UP 20-18 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. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the 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 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.

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 that the **Initial Study (IS 20-21)** applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **February 25, 2021**.

Major Use Permit (UP 20-18)

I move that the Planning Commission find that the **Use Permit (UP 20-18)** applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **February 25, 2021**.

Wireless Communication Facility Approval

I move that the Planning Commission find that the wireless communication facility applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** 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 **February 25, 2021**.

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.