

**COUNTY OF LAKE
MAJOR USE PERMIT, UP 20-18
INCLINE POWER
150 FOOT TALL LATTICE COMMUNICATION TOWER
CONDITIONS OF APPROVAL**

Expires if not used by: February 25, 2023

Pursuant to the approval of the Planning Commission on February, 25, 2021 there is hereby granted to **Incline Power a Major Use Permit, UP 20-18 with the following conditions of approval to allow a 150 foot tall telecommunication tower, including ancillary facilities for the tower consisting of 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, and twelve (12) carrier antennas** on a property located at 16355 E. State Highway 20, Clearlake Oaks, CA; and further described as APN: 010-055-31 subject to the following terms and conditions.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the ***Site & Architectural Plan(s) and Project Description dated July 8, 2020*** and any conditions of approval imposed by the **Major Use Permit, UP 20-18 and the review authority to allow** an unmanned 150 foot tall lattice wireless telecommunication tower within an 80 feet by 80 feet (6,400 sq. ft.) leased area. The leased area would be enclosed with a six (6) foot high fence. In addition to the tower, the tower site would consist of the following:
 - 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 Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.

2. This permit does not abridge or supercede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. The permit holder is responsible for insuring that all project workers are informed of understand, and agree to abide by the approved plans and project conditions.
4. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.
5. All construction shall be reviewed and approved by a *California-Licensed Professional Civil Engineer or Architect*, and be constructed to those specifications, subject to review and approval of the Community Development Department.

Attachment 4

6. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.
7. **Prior to building permit final**, the permit holder shall comply with all of the regulations and/or requirements of the Northshore Fire Protection District. The applicant shall contact the Northshore Fire Protection District at (707) 274-3100 for details.
8. This permit shall be null and void if not used by **February 25, 2023**, or if the use is abandoned for a period of two (2) years.

B. AESTHETICS

1. If the applicant wishes to install lighting at a future date, the applicant shall submit a Lighting Plan the Community Development Department for review and approval **prior to issuance of any building permits.**
2. Any exterior lighting, except as required for FAA 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.
3. 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.darkskyorg and provisions of section 21.41.8 of the Zoning Ordinance.
4. If the applicant decides to install signage, the applicant shall submit a **Signage Plan** to the Community Development Department for review and approval **prior to the issuance of any signage permits.**
5. Supporting facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed of non-flammable, no-reflective materials and shall not exceed a height of twenty (20) feet.
6. The applicant shall adhere to all requirements and regulations in the 1996 Federal Telecommunications Act, the Lake County General Plan, Shorelines Area Plan and the Lake County Zoning Ordinance.

C. 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)*

D. BIOLOGICAL RESOURCES

1. **This use permit approval shall not become effective, operative, vested or final until** the applicant the California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Community Development Department within five (5) days of approval of the mitigated negative declaration.
2. Any oak tree larger than five (5) inches in diameter at breast height (DBH) that is 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.
 - *Trees shall be monitored for a minimum of three (3) years and maintained an 80% survival rate. If the survival rate drops below 80%, applicant shall replace and/or replant additional trees.*
3. **Prior to the issuance of any permits**, the applicant shall obtain and maintain all necessary permits from the California Department of Fish and Wildlife. Once the applicant has obtained the necessary permits, the applicant shall submit a copy of said permits to the Community Development within 30 days.
 - *If permit(s) are not required, the applicant shall obtain written verification from the California Department of Fish and Wildlife and submit the verification to the Community Development Department.*

E. 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 local overseeing 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 local overseeing 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*)

F. GEOLOGY & SOILS

1. **Prior to the issuance of any permits**, the applicant shall submit Erosion and Sediment Control Plan to the Community Development Department for review and approval. Said plans shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system. Typical BMPs include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapters 29 and 30 of the Lake County Code and maintained for life of the project.

G. HAZARDS & HAZARDOUS MATERIALS

1. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
1. Storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas will require the applicant shall submit a Hazardous Material Business Plan to the Division of Environmental Health via the California Electronic Reporting System (CERS) and

it shall be renewed and/or update annually or if quantities increase. If the amount of hazardous materials is less than the above quantities, the applicant must complete and submit a *Hazardous Materials and Waste Registration Form* with the Division of Environmental Health. The applicant shall submit a copy of all necessary documents to the Community Development Department **prior to issuance of any building permits.**

- *If the applicant increases the storage of hazardous materials, the applicant shall contact the Department of Environmental Health and update their Hazardous Material Business Plan within thirty (30) days of change and submit an approved Environmental Health copy to the Community Development Department.*
2. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site authorized to accept such materials.
 3. Hazardous waste (including industrial waste) must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
 4. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

H. HYDROLOGY & WATER QUALITY

1. In order to reduce impacts to water quality the permit holder shall protect all disturbed areas by applying BMPs, which may include the placement of straw, mulch, seeding, straw wattles, and silt fencing and planting of native vegetation on all disturbed areas to prevent erosion.
2. All slopes shall be monitored and maintained by the permit holder to assure the success of the erosion control measures and revegetation. All disturbed areas shall be re-vegetated with native species consistent with fire safe practices and protected from erosion and storm-water runoff utilizing BMPs appropriate to the site conditions. Vegetation shall be maintained until permanent establishment is achieved.
3. The permit holder shall use BMPs to prevent erosion and ensure that sediment and silt exceeding the natural back ground level does not enter any nearby streams and water courses. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. BMPs may include the placement of straw, mulch, seeding, straw wattles, silt fencing and planting of native vegetation on all disturbed areas.
4. **Prior to the issuance of any permits**, the applicant shall obtain and maintain all required permits from the California Valley Regional Water Quality Control Board. The applicant shall contact the California Valley Regional Water Quality Control Board for details and submit written verification to the Community Development Department within 30 days of permit(s) issuance.
 - If permit(s) are not required, the applicant shall obtain written verification from the California Valley Regional Water Quality Control Board and submit the verification to the Community Development Department.

I. 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*)

J. TRANSPORTATION AND TRAFFIC

1. **Prior to building permit final**, the applicant shall meet and maintain all access requirements and/or regulations as defined in 14 California Code of Regulations (CCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements.
2. **Prior to building permit final**, the applicant shall provide a minimum of one (1) parking space within the immediate vicinity of the fenced area.

K. MITIGATION MONITORING AND EXPIRATION:

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. **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.
3. **Prior to building permit final**, the applicant shall submit a summary response in writing establishing compliance with the approved conditions of approval, including dates of compliance and referencing documents and/or other evidence of compliance to the Community Development Department for review and approval, including scheduling an inspection with the Community Development Department to ensure all conditions of approval have been met.
4. This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

Article 71- Regulations for the placement of Communication Towers & Antennae

Section 71.3: General Regulations

1. Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
2. The wireless communication facility shall comply with all applicable criteria from the Lake County Airport Land Use Compatibility Plan (ALUP) and the Federal Aviation Administration (FAA).
3. At the discretion of the *Chief Building Official* all antennas and/or antenna towers may be required to be inspected by a licensed Engineer in the State of California to assess the structural integrity after a substantial seismic event within close proximity of the tower. The applicant shall submit an *Engineers Report* of the

engineer's findings (structural integrity) to the Community Development Department within 30 days of the report being completed. All costs of inspection(s) and reporting shall be the responsibility of the applicant.

Section 71.8: General Development Standards for all Wireless Telecommunication Facilities

4. **Prior to building permit final**, anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.
5. 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 for review and approval.*
 - *Said plan shall introduced native vegetation, drought tolerant species compatible with the predominant natural setting of the project area, and shall be maintained through-out the life of the project.*
6. 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.

Section 71.8(b): Design Review and Frequency Emission Compliance

7. 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.
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.
9. The applicant shall submit written documentation to the Community Development Department within sixty (60) days of the new calendar year. Said documentation shall be prepared by a Radio Frequency Engineers or other qualified professionals and contain the following:
 - *Verify compliance with FCC regulations if any change in facility's conditions and justify documentation.*
 - *Written documentation verifying continuing compliance with all FCC regulations.*

Section 71.10: Regulations Governing Telecommunications Antenna & Equipment Buildings

10. Omni directional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
11. Directional or panel communications antennas shall not exceed nine (9) feet in height and three (3) feet in width, unless the cumulative visual impact of an array can be reduced by using a different size.

Section 71.10: Reporting Requirement

12. If any changes and/or amendments occur, the applicant(s) shall submit a detailed description to the Community Development Department within sixty (60) days of any changes and/or amendments pursuant to Article 71 of the Lake County Zoning Ordinance.

Section 71.12: Site Restoration upon Termination & Abandonment of Facility

13. The site shall be restored to its natural state within six (6) months of termination of use or abandonment of the site.

- 14. Applicant shall enter into a Site Restoration Agreement subject to the approval of the Director Community Development and County Counsel upon termination and abandonment of the facility.
- 15. If a Communications Tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such 12 month period.

Article 71, Section 71.14 Indemnification

- 5. The applicant shall enter into an Indemnification Agreement with the Community Development Department **within thirty days (30) of issuance of use permit**. Said agreement shall include the following language per the above section: *“hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit”*.

Scott DeLeon
Community Development Director

Prepared by: EJP

By: _____
Trish Turner, Office Assistant

Acceptance

I have read and understand the foregoing Conditionals of Approval and agree to each and every term and condition thereof.

Date: _____
Signature of applicant or authorized agent

Printed name of applicant or authorized agent