



STAFF REPORT

TO: Planning Commission

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

Prepared by: Michael Taylor, Assistant Planner

DATE: April 8, 2021

RE: **New Cingular Wireless PCS, dba AT&T Mobility; Major Use Permit (UP 20-80), and Initial Study (IS 20-96) 15650 E. Highway 20, Clearlake Oaks, CA 95423, and further described as APN: 006-530-03 and 006-530-04.**

Supervisor District 3: Eddie "EJ" Crandell
Planning Commissioner: Batsulwin Brown

ATTACHMENTS:

1. Vicinity Map
2. Project Statement
3. Site Plan, Access, and Grading Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 20-96
7. Biological Resource Assessment
8. Letter of Support – Emergency Service Provider

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 backup generator and associated electrical equipment needed for the cell tower to function. This project is for a new single lattice tower that will be capable of allowing co-located facilities on it. This application includes:

- One (1) 40' x 45' (1,800 sq. ft.) carrier lease area
- One (1) new 150' (Co-locatable) tall lattice cell tower on concrete pads
- Nine (9) panel antennas
- One (1) microwave antenna
- Nineteen (19) remote radio units (RRU's)
- One (1) 8' x 8' walk in closet equipment shelter
- One (1) 30KW emergency backup generator
- One (1) 190-gallon UL142 rated generator fuel tank
- 5.0' x 10.0' generator concrete pad
- One (1) step down transformer on a 4'2" x 4'4" concrete pad
- One (1) 3' x 5' U.G. Telco vault
- Gravel bed throughout enclosure

- Six (6) foot tall chain link fence around the 40' x 45' enclosure
- One (1) 12' wide double gate for enclosure access
- 1,421 feet of underground power and fiber-optic cables in 6' wide utility corridor
- Improve existing access road with 20' wide access and utility route including all weather surface were needed

The cell tower site is on a portion of the property that is previously disturbed and relatively flat. There are high voltage lines located on the subject property. The tower site area is developed with a PG&E electrical tower and overhead lines, an access road, and ancillary equipment. Access to the facility will be from an existing gravel and dirt access road which begins at a newly improved frontage road (Almond Lane). The frontage road has direct access to Highway 20.

The applicant proposes to improve the existing access road to be a 20' non-exclusive access and utility route beginning at the frontage road with an all-weather surface beginning approximately at the end of the existing gravel driveway up to the proposed tower site. A ten-foot wide minimum turnout will be added approximately halfway down the access road to comply with Cal Fire requirements. The proposed improvements would enhance 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. A technician parking area and emergency vehicle turnaround is proposed at the tower site.

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. This facility will improve significant gaps in AT&T's service coverage in an area roughly bordered by Red Rock road to the north, Old Long Valley Road and Highway 217 to the east, Highway 23 to the south and Morine Way and Highway to the west. The facility will improve coverage to many homes in several neighborhoods, numerous businesses, church, and other points of interest in the immediate vicinity.

Construction

Construction of the 150' tall cell tower is anticipated to take between one and two months. Staging of equipment will occur on the previously disturbed site of the proposed tower and existing interior driveway. The existing access road will be improved to the tower site starting approximately at the end of the existing gravel road, 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 is approximately 1,609 cubic yards of cut, 40 cubic yards of fill, with an export of approximately 1,569 cubic yards. The estimated amount of earth to be moved would require a grading permit. The applicant will apply for a grading permit in the future after approval of this permit.

The tower compound will be enclosed by a six-foot tall fence, and a technician parking and fire emergency turnaround area located adjacent tower enclosure. Construction will occur 5 days per week, from 7 am to 4 pm.

Construction of the 40' x 45' level pad area would occur within a previously disturbed area, with minimal disturbance in adjacent native shrubland. The improvement of the existing gravel and dirt access as a 20' non-exclusive access and utility route between the tower site and the frontage road which the majority would occur within the existing access and small portions would occur within native shrubland. The 6' wide utility corridor for the underground power and fiber-optic cables will be in areas previously disturbed or planned

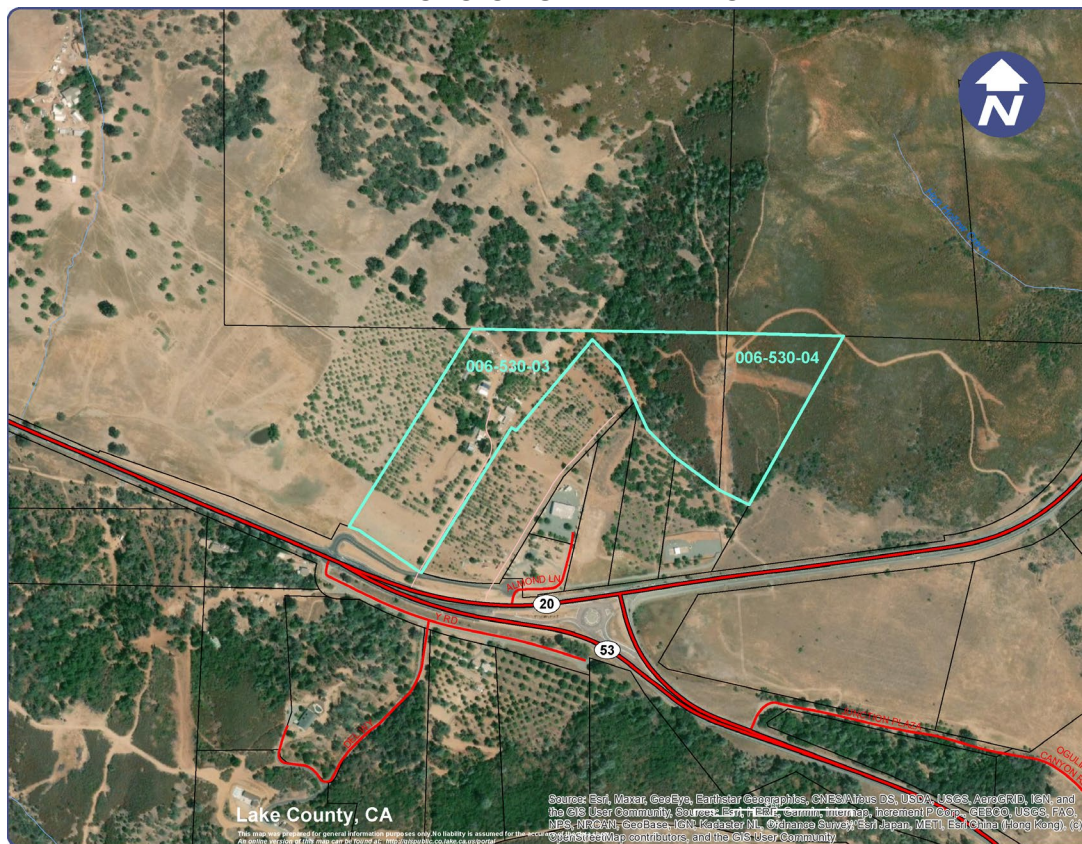
for disturbance during implementation of other components of the project. The fenced enclosure will incorporate fiber rolls around the perimeter as an erosion control measure during and after construction.

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 on an as needed basis 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 additional carriers through co-location. Technician parking and an emergency fire turnaround space adjacent to the 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 20-80.

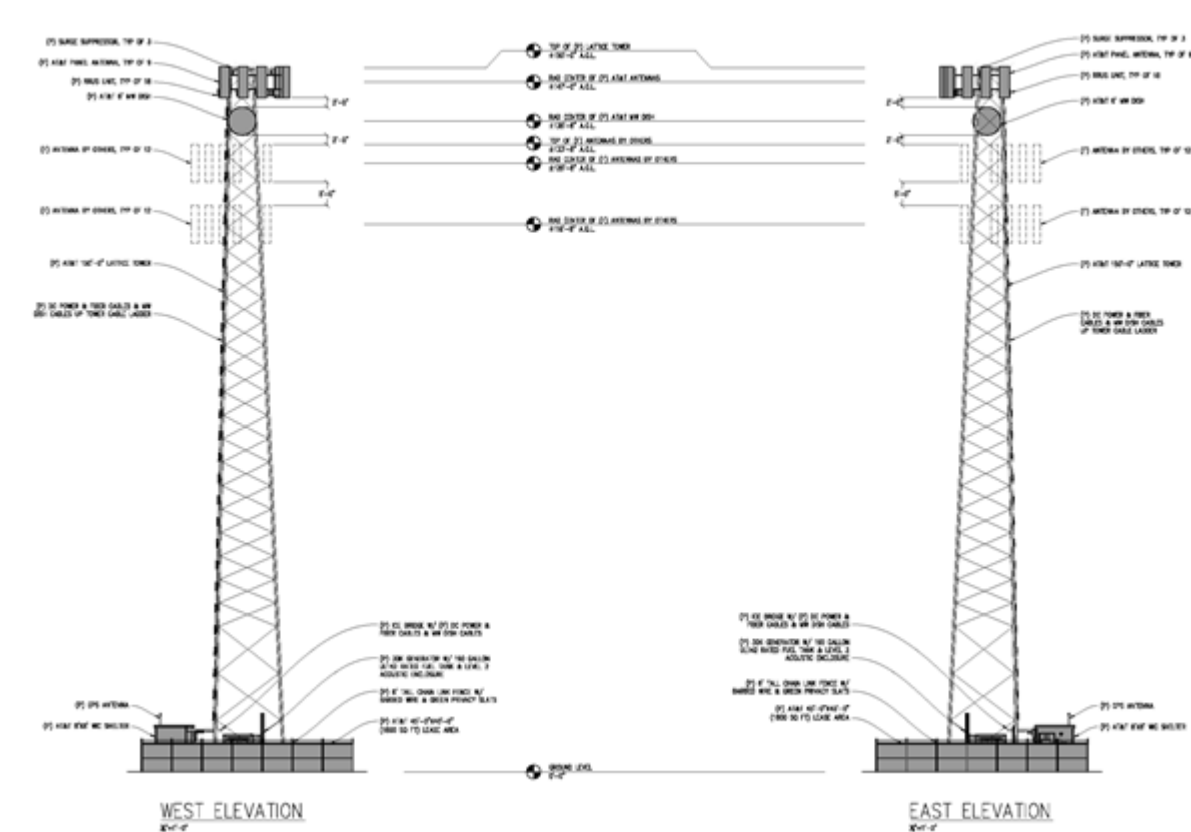
AERIAL PHOTO OF SITE AND PROPERTY



ENTRANCE ROAD TO TOWER SITE

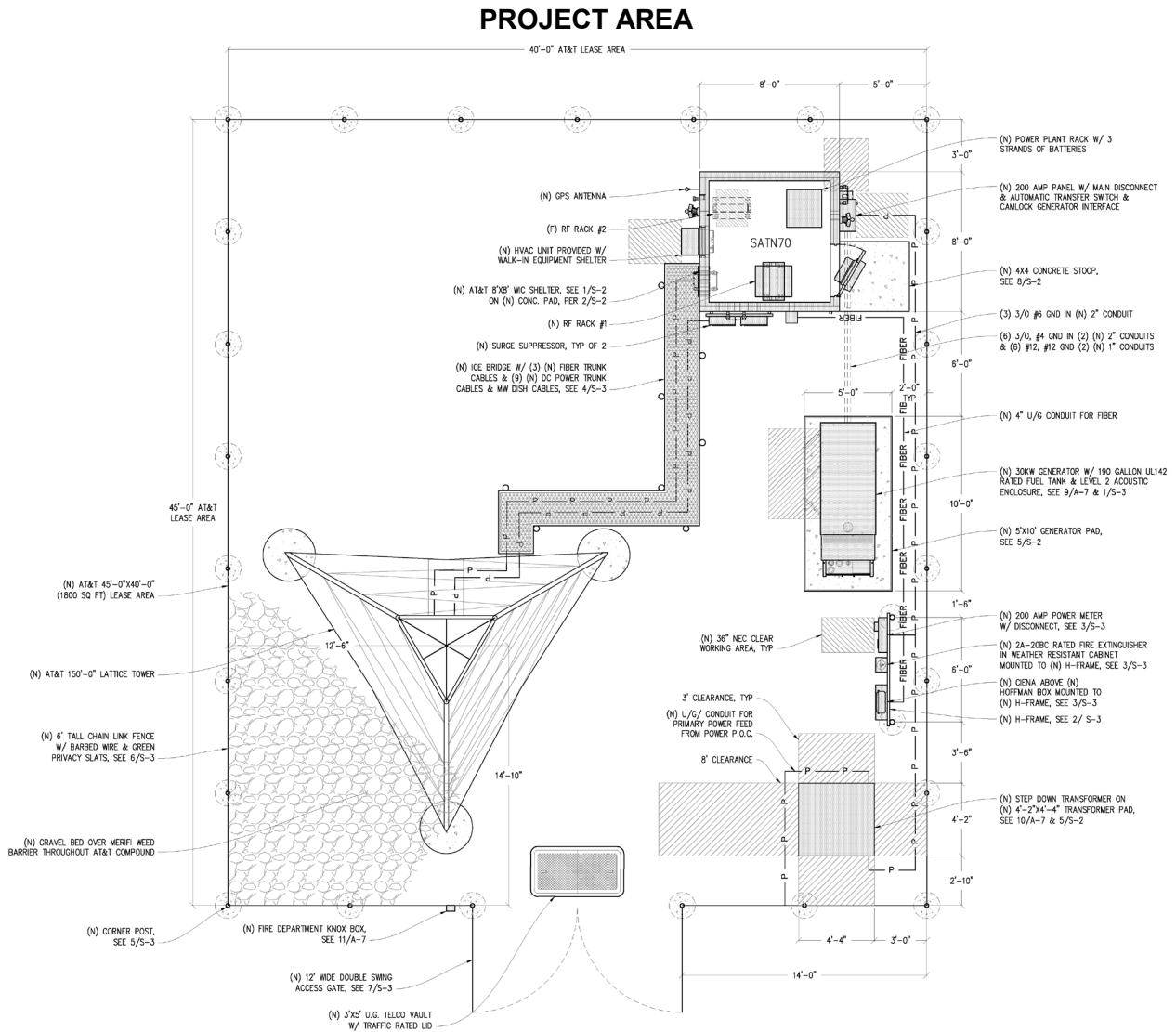


ELEVATIONS





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III. PROJECT SETTING

Existing Uses and Improvements: The parcel (006-530-03) that the tower site will be located on is approximately 21.32 acres in size and is large enough to support the tower. The property contains a well and septic system. There are several dwellings, accessory structures, farm equipment, vehicles, and orchard on the site. The closest off-site structure, a dwelling, is located 550 feet to the southwest.

Surrounding Uses and Zoning

North: "RL" Rural Lands zoned properties. Parcel sizes range from approximately 150 to over 500 acres. There are no dwellings located to the north of the proposed tower site.

South: "RR" Rural Residential zoned properties. Parcel sizes range from approximately 3 to 20 acres in size. A utility facility is located approximately 1,000 feet to the south.

East: "RL" Rural Lands zoned land. Parcel sizes range from approximately 9 to over 35 acres in size and are undeveloped.

West/Southwest: "RR" Rural Residential and "RL" Rural Lands zoned land with parcels ranging from 1.50 to over 150 acres and developed with several dwellings, accessory structures, a private social club, and orchards. The closest dwelling is 550 feet to the southwest.

Topography: Varied with steep slopes up to 50% in vicinity of tower site. Tower site and parking area are mostly under 10%.

Soil: **236-Stonyford-Guenoc complex, 30 to 50 percent slopes.** This map unit is on hills. The vegetation is mainly brush and sparse annual grasses. Elevation is 1,400 to 2,500 feet. The average annual precipitation is 25 to 35 inches, the average annual air temperature is 57 to 60 degrees F, and the average frost-free period is 160 to 205 days.

Water Supply: Existing well

Sewage Disposal: Existing On-Site Septic

Fire Protection: North Shore Fire Authority Fire Protection District

Vegetation: Orchards, trees, and shrubs.

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designations for the subject site 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. 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.

Shoreline Community Area Plan (2009)

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 71 – Communications Towers and Antennae

The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of the County of Lake.

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 500 feet from the center of State Highway 20 outward.

The Scenic Combining District captures the existing driveway but does not extend to the tower site. The tower site is approximately 1,200 feet from the centerline of State Highway 20.

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 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 20-26 (Attachment 6) for the Environmental Analysis of the proposed new single lattice cell 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 as having potential environmental impacts:

Aesthetics

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.
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.

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.
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.
3. Vehicular and fugitive dust shall be minimized during the wireless communication facility development and management 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.
4. 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.
5. All access roads, driveways and parking areas shall be paved, chipped sealed, gravel or an equivalent all weather surface to reduce air particulates. Said material shall be maintained for life of the project.
6. All diesel powered equipment shall meet the requirements of the State Air Toxic Control Measure for CI engines (stationary and portable).
7. Prior to issuance of any permits, the applicant shall obtain all necessary permits from the Lake County Air Quality Management District and submit written verification to the Community Development Department.

Biological

1. If ground disturbing activities occur during the breeding season of avian species (February through mid-September), surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to start of activities. Pre-construction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Pre-construction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys will follow required CDFW and USFWS protocols, where applicable. If no nesting avian species are found, project

activities may proceed and no further Standard Construction Conditions measures will be required.

2. Pre-activity surveys shall be conducted for bat species and their roosting/maternity sites in the project site and buffer area. If a bat roosting/maternity site is identified during these survey or suspected to be present, a buffer area will be established to avoid impacts on the burrow/maternity site, and subsequently the bat species.
3. The project proponent shall implement the following standard USFWS Mitigation and Avoidance Measures to prevent mortality of individual red-legged frog that may be found migrating across or aestivating on the proposed project sites during proposed project activities.
4. A qualified botanist shall 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 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.
5. To avoid debris contamination into drainages and other sensitive wildlife habitats, silt fence or other sediment control devices will be placed around construction sites to contain spoils from construction excavation activities.
6. Surveys for identified special-status species shall be conducted by qualified biologists at the appropriate times before construction starts to determine occupancy at the site. If no special-status species are found, no further action other than the Best Management Practices identified above are required. If individuals are found, including nesting birds, a buffer zone around the species or nest will be required at a sufficient distance to prevent take of individual species.
7. Due to the potential for special-status species to occur, move through, or into the project area, an on-site biological monitor, shall at a minimum, check the ground beneath all equipment and stored materials each morning prior to work activities during disturbing activities to prevent take of individuals. All pipes or tubing Four (4) inches or greater shall be sealed by the relevant contractor with tape at both ends to prevent animals from entering the pipes at night. All trenches and other excavations shall be backfilled the same day they are opened, or shall have an exit ramp built into the excavation to allow animals to escape.
8. Environmental Awareness Training shall be presented to all personnel working in the field on the proposed project site. Training shall consist of a brief presentation in which biologists knowledgeable of endangered species biology and legislative protection shall explain endangered species concerns. Training shall include a discussion of special-status plants and sensitive wildlife species. Species biology, habitat needs, status under the Endangered Species Act, and measures being incorporated for the protection of these species and their habitats shall also be discussed.
9. Project site boundaries shall be clearly delineated by stakes and /or flagging to minimize inadvertent degradation or loss of adjacent habitat during project operations. Staff and/or its contractors shall post signs and/or place fence around the project site to restrict access of vehicles and equipment unrelated to project operations.

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.

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.
3. In the event of an unanticipated discovery of cultural resources during the implementation of the project, all work must be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified so that its potential significance can be assessed.

Geology and Soils

1. Prior to any ground disturbance, the permittee shall submit erosion control and sediment plans to the Water Resource Department and the Community Development Department for review and approval. Said erosion control and sediment plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) per the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed areas. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.
2. Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
3. The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.
4. If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically 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.

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.
2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within

residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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.

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 28 acres in size with slopes that range from 0% to 50%. The site is located in an area of the county where the majority parcels are undeveloped, except for single family dwellings, accessory structures, and orchards.

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 gravel and dirt road that begins at an existing public frontage road that connect to State Highway 20 and terminates at the tower site. A second existing access road that is not paved serves the PG&E tower that is located adjacent 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 Northshore Fire Authority 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 apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

There are no 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 four (4) locations representing views from public vantage points. The following locations were analyzed. (Refer to Attachment 5 for all photos):

- *View One: Looking northwest from Highway 20*
- *View Two: Looking northwest from Hwy 20*
- *View Three: Looking north from Hwy 53*
- *View Four: Looking northeast from Hwy 20*

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 28 acres in size with a slope that ranges from 0% to 50%. The project site is developed with single-family residences, accessory structures, and orchards. 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.

VIEW SIMULATION KEY MAP

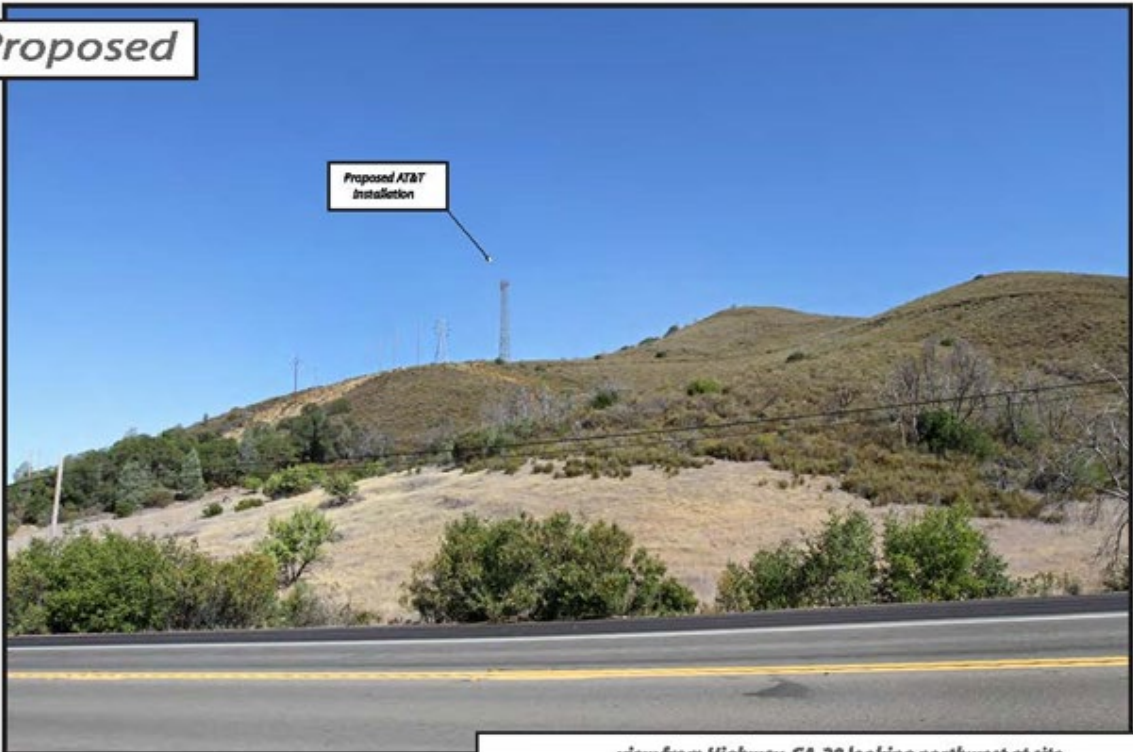


VIEW 1

Existing



Proposed



AdvanceSim
Photo Simulation Solutions
Contact (925) 292-8507



AT&T Wireless

view from Highway CA-20 looking northwest at site

CCL05772 CA-20 at Gibson Hill
15650 E. Highway 20, Clearlake Oaks, CA
Photosims Produced on 8-18-2020

VIEW 2

Existing



Proposed



AdvanceSim
Photo Simulation Solutions
Contact (925) 292-8507



AT&T Wireless

view from Highway CA-20 looking northwest at site

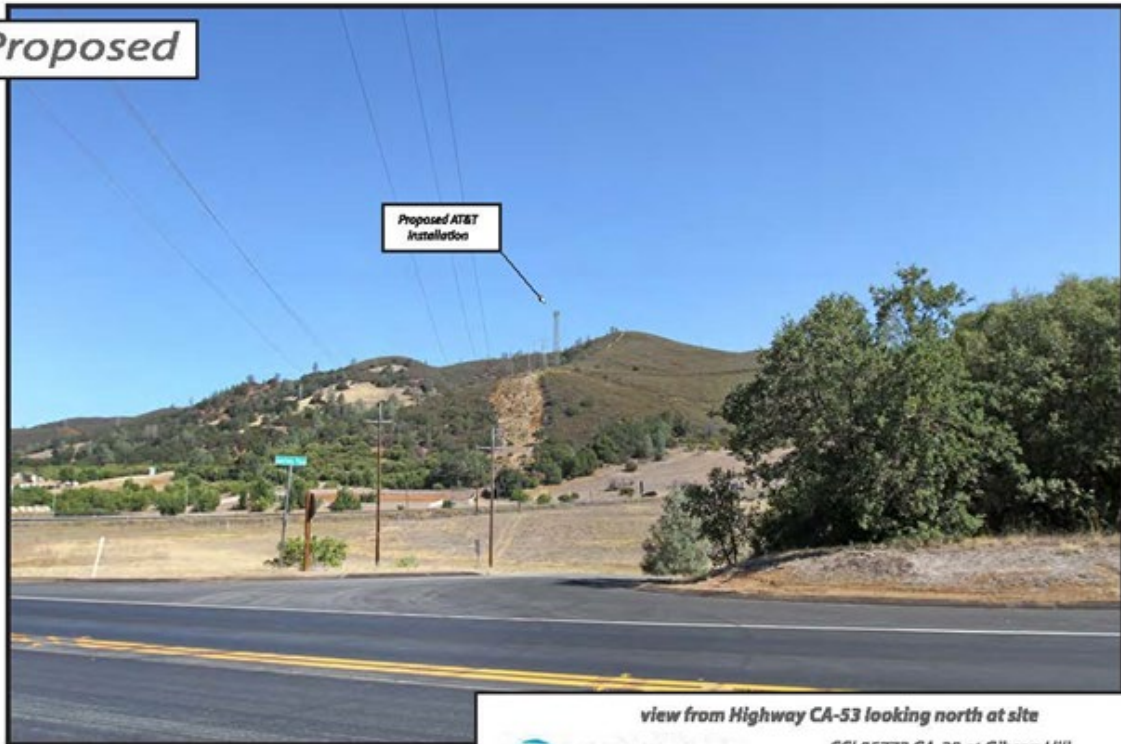
CCL05772 CA-20 at Gibson Hill
15650 E. Highway 20, Clearlake Oaks, CA
Photosims Produced on 8-18-2020

VIEW 3

Existing



Proposed



AdvanceSim
Photo Simulation Solutions
Contact (925) 292-8507



AT&T Wireless

view from Highway CA-53 looking north at site

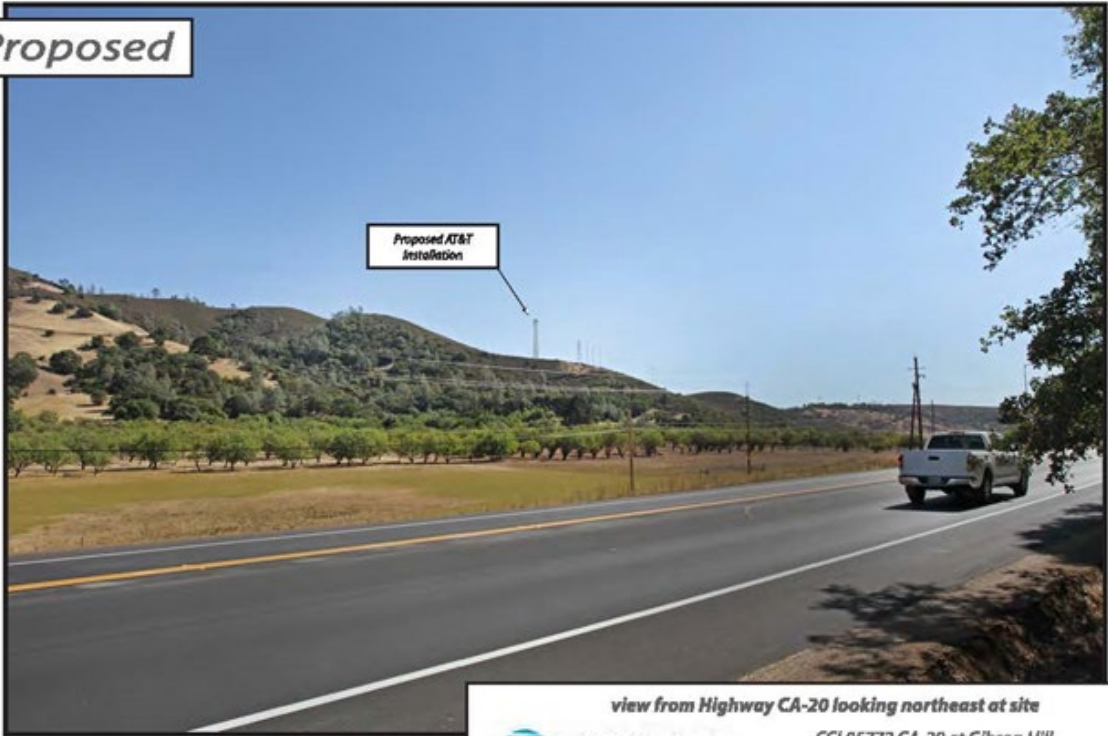
CCL05772 CA-20 at Gibson Hill
15650 E. Highway 20, Clearlake Oaks, CA
Photosims Produced on 8-18-2020

VIEW 4

Existing



Proposed



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Contact (925) 292-8507



AT&T Wireless

view from Highway CA-20 looking northeast at site

CCL05772 CA-20 at Gibson Hill
15650 E. Highway 20, Clearlake Oaks, CA
Photosims Produced on 8-18-2020

3. That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.
4. *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 Grading and 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.*
5. 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 grading and 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 20-96) for Use Permit (UP 20-80) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-7.
3. Potential environmental impacts related to biological resources can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-9.
4. Potential environmental impacts related to cultural resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2 and CUL-3.
5. Potential environmental impacts related to geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-4.
6. 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.

7. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
8. 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 20-80 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.

D. 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 20-96)** applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **15650 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 006-530-03 and 006-530-04** 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 **April 8, 2021**.

Major Use Permit (UP 20-80)

I move that the Planning Commission find that the **Use Permit (UP 20-80)** applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **15650 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 006-530-03 and 006-530-04** 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 **April 8, 2021**.

Wireless Communication Facility Approval

I move that the Planning Commission find that the wireless communication facility applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **15650 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 006-530-03 and 006-530-04** 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 **April 8, 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.*