



Legislation Details (With Text)

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On agenda: 4/8/2021 **Final action:**

Title: 9:30 a.m. Public Hearing and Consideration of a Major Use Permit (UP 20-80) to place a 150' tall cell tower on a 28.61+ acre property, and consideration of a Mitigated Negative Declaration (IS 20-96) on Thursday April 8, 2021, 9:25 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant: New Cingular Wireless PCS, dba AT&T Mobility. Owner: Michael Worth. Proposed Project: New 150' tall cell tower and appurtenant equipment within a 45' by 40' fenced enclosure. Location: 15650 E. Highway 20, Clearlake Oaks, CA 95423; APN: 006-530-03 and 006-530-04.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. up20-80_STAFFREPORT, 2. attach_1_vicinitymap, 3. attach_2_projectstatement, 4. attach_3_siteplans, 5. attach_5_conditions, 6. attach_6_initialstudy, 7. attach_7_biologicalresources, 8. attach-8_letterofsupport

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra 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**.

II. 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**.