

ATTACHMENT G

Resolution No P-24-022

Site 2D: Balsam Road and

Nisqualli Road

Conditional Use Permit

RESOLUTION NO. P-24-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE GRANTING THE CONDITIONAL USE PERMIT PORTION OF CASE NO. PLAN24-00039; A CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR THE CONSTRUCTION OF A 60-FOOT-TALL TOWER FOR THE PURPOSE OF MOUNTING A 5-FOOT OMNI-DIRECTIONAL WATER DEPARTMENT ANTENNA ON PROPERTY OWNED BY THE VICTORVILLE WATER DEPARTMENT LOCATED WEST OF AND ABUTTING BALSAM ROAD APPROXIMATELY 330' SOUTH OF NISQUALLI ROAD.

WHEREAS, an application has been received from the City of Victorville Water Department, regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

Parcel 2 of Parcel Map No. 15501 in the City of Victorville, County of San Bernardino, State of California, as per plat filed in Book 189 of Parcel Maps at Pages 93 through 94, Records of San Bernardino County; and

WHEREAS, a public hearing was held on the 13th day of March 2024, pursuant to Title 7, Division I, Chapter 4, of the Government Code, State of California, to hear arguments for and against the issue; and

WHEREAS, this project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) based upon CEQA Guidelines Section 15303, entitled "New Construction or Conversion of Small Structures", given the allowances provided by subsection (d), which permit for the construction and location of wireless network extensions since telecommunications are regulated by the California Public Utilities Commission, as well as subsection (e) because proposed tower structures are considered accessory to existing Water Department infrastructure on each site, and additionally because the sites have been previously cleared of vegetation, will not negatively impact any Western Joshua Trees, and are not considered habitat for any endangered, rare, threatened, or special status species; and

WHEREAS, the Planning Commission finds that all materials that constitute the record of proceedings upon which its decision is based, shall be located with the City of Victorville Clerk, located at 14343 Civic Drive, Victorville, CA; and

WHEREAS, the Planning Commission finds that the proposed wireless communication facility complies with federal telecommunications regulations, including limitations on radio frequency emissions as allowed by the Federal Communications Commission; and

WHEREAS, the Planning Commission finds that the site is adequate in size to accommodate the proposed use along with adequate development standards to ensure land use compatibility due to the proposal's placement at the rear of the site behind existing water tanks and other water infrastructure to assist in screening the tower from view assuring maximum compatibility with surrounding developments; and

WHEREAS, the Planning Commission finds that the wireless communication facility is allowable in the subject zone district at the proposed location as the facility is necessary to close a significant gap in coverage, no feasible alternative locations are available, and the facility is designed in the least intrusive means; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(a) of the Victorville Municipal Code the proposed location of the conditional use is in accord with the objectives and requirements of the development code as it meets the requirements and standards outlined for wireless communication facilities in regards to location, visibility, height, and compatibility; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(b) of the Victorville Municipal Code the proposed location of the conditional use and the conditions under which it will be operated is consistent with the General Plan and will not be detrimental to the public health, safety, or welfare since the proposal includes water telecommunications infrastructure that is considered an essential component of the circulation system as defined by the general plan,

because the location is in an area that will not incur adverse traffic impacts due to limited site visits; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(c) of the Victorville Municipal Code the traffic generated by the proposed conditional use will not overload the capacity of the surrounding street system and will not create a hazard to public safety as little or no traffic will visit the site on a regular basis since it is not a facility designed for on-site customer service and the proposed systems will allow for off-site meter reading; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(d) of the Victorville Municipal Code the proposed conditional use complies with each of the applicable provisions of Title 16, Chapter 3 of the Victorville Municipal Code; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.24.150(g)(1) of the Victorville Municipal Code the proposed wireless communication facility is sited to assure maximum compatibility with surrounding development and does not adversely impact the neighborhood due to the proposal's placement at the rear of the site behind existing water tanks and other water infrastructure to assist in screening the tower from view assuring maximum compatibility with surrounding developments as well as a design that will integrate with and match existing development on-site; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.24.150(g)(2) of the Victorville Municipal Code the proposed wireless communication facility is sited to minimize views from the public right-of-way, which includes a location behind existing water tanks away from the public right-of-way and a design that matches the existing environment; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.24.150(g)(3) of the Victorville Municipal Code the proposed transmission equipment is designed to match the support structures, as it is covered/painted with similar materials that match the support structure and surrounding environment; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.24.150(g)(5) of the Victorville Municipal Code the stand-alone wireless tower is located at least one thousand linear feet from any other such wireless tower, as measured from the centerline of the base of the proposed wireless tower, and no collocation on an existing wireless tower or other support structure in the vicinity was feasible; and

WHEREAS, the installation of advanced metering infrastructure (AMI) has been identified as a goal for completion within the City of Victorville's 2023-2026 Strategic Plan in order to improve water efficiency and reduce long term costs; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, pursuant to Section 16-3.02.040 of the Victorville Municipal Code that Conditional Use Permit Case No. PLAN24-00039, a Conditional Use Permit with a Categorical Exemption from the California Environmental Quality Act to allow for the development of a 60-foot-tall tower for the purpose of mounting a 5-foot omni-directional Water Department antenna on the hereinabove described property be granted subject to the following conditions of approval:

Planning Conditions:

1. This Conditional Use Permit is to allow for a 60-foot-tall wireless communication tower for the purposes of mounting a Water Department antenna. This Conditional Use Permit shall not be established until all improvements required by the associated Site Plan approval are completed.
2. The proposed development shall comply with all applicable development standards of Title 16.
3. The proposed development shall be in substantial conformity with the plans submitted as part of this application, unless modification is required to comply with the applicable development standards of Title 16.
4. Any expansion of this use beyond the scope of this conditional use permit shall require submission and approval of a conditional use permit modification or a new conditional use permit based upon the extent of the expansion.
5. The wireless communication facilities shall comply with all rules and regulation of the Federal Communication Commission and the Public Utilities Commission.
6. The wireless communication facility shall not be artificially illuminated except to assure human safety or as required by the Federal Aviation Administration.

7. All antennas shall conform to any applicable Federal Aviation Administration regulation.
8. The wireless communication facility shall be operated in conformance with all applicable Federal Communication Commission regulation regarding interference with other equipment.
9. The use of any portion of the wireless communication facility for signs or advertising purposes is prohibited. The use of a small name plate (two square feet maximum) on the facility to identify the operator, address, and emergency contact telephone number is permitted.
10. The wireless communication provider(s) shall immediately notify the city in writing upon the cessation of use of the facility and shall ensure that all equipment, buildings and structures used as part of the wireless communication facility shall be removed within ninety days following the termination of its operation unless deemed unnecessary by the Zoning Administrator or Planning Commission.
11. Unless deemed unnecessary by the Zoning Administrator, wireless communication provider(s) utilizing a stand-alone tower shall post a surety bond with the city in an amount determined appropriate by city staff prior to installing the tower. The bond is to ensure the removal of the tower upon cessation of its use. Said bond, or approved replacement bond, shall remain valid for the operational duration of the facility. Further, the bond shall identify the city of Victorville as being authorized to redeem it.
12. The wireless communication facility shall be in conformance with and not cause non-compliance with the Americans with Disabilities Act.
13. The wireless communication facility shall at all times comply with all applicable Federal, State, and local building codes, electrical codes, fire codes; all applicable General Orders of the California Public Utilities Commission; and any other code or regulation related to public health and safety.
14. The Applicant/Owner shall agree to defend, indemnify and hold harmless, the City of Victorville, its agents, officers and employees from any claim, action or proceeding against the City of Victorville or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Victorville shall promptly notify the applicant of any such claim, action or proceeding, and the City of Victorville shall cooperate fully in the defense.
15. The handling and disposal of construction and demolition waste for the project shall comply with 6.36.040 of the Victorville Municipal Code. In summary, only the City of Victorville's employees working in their official capacity and the City's waste handling contractor, Victorville Disposal (Burrtec Waste), are authorized to provide solid waste handling services from any and all premises in the City; and no person other than those above specified shall provide solid waste handling services, convey or transport any solid waste material in, along or over any public street, alley or highway in the City, with the exception of solid waste removed from any premises by the waste generator, and which is transported personally by such waste generator (or his/her employees) to a processing or disposal facility in a manner consistent with all applicable laws and regulations, utilizing equipment owned and/or leased by the waste generator.
16. The project shall comply with all Federal, State and local laws and policies, including: the California Government Code (including the Planning, Zoning and Development Laws),

Environmental Quality Act (CEQA), Subdivision Map Act, International Building Code, Green Code, Fire Code; and, Victorville General Plan and Municipal Code; unless permitted to deviate through provisions of such, or through adopted mitigation measures, conditions of approval, or the plans themselves.