

**COUNTY OF LAKE
MAJOR USE PERMIT, PL-25-63/ UP 23-03
INITIAL STUDY, PL-25-63/ IS 23-07**

**VERTICAL BRIDGE (VB BTS II, LLC)
150 FOOT TALL MONOPINE COMMUNICATION TOWER
CONDITIONS OF APPROVAL**

Expires if not used by: October 9, 2027

Pursuant to the approval of the Planning Commission on October 9, 2025 there is hereby granted to Vertical Bridge (VB BTS II, LLC) a Major Use Permit, PL-25-63/ UP 23-03 and Initial Study, PL-25-63/ IS 23-07 with the following conditions of approval to allow a 150 foot tall monopine telecommunication tower, including ancillary facilities for the tower consisting of a 50' x 50' lease area containing equipment in support of the tower enclosed by a 6' tall screening fence on property located at 6720 Leslie Place, Lucerne, CA (APN: 006-003-01) subject to the following terms and conditions.

A. GENERAL CONDITIONS

1. The use hereby permitted shall substantially conform to the Site & Architectural Plan(s) received May 2, 2025, and any conditions of approval imposed by the Major Use Permit, PL-25-63/ UP 23-03 and the review authority to allow an unmanned 150 foot tall "monopine" wireless telecommunication tower within a 50' x 50' lease area. The leased area will be enclosed with a six-foot-high screening fence along with the equipment to support the tower as shown on the site plan submitted for this project.

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 supersede 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 permittee 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.
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. The Lake County Building Official may require special engineering for the tower and mechanical equipment at the time when the building permit(s) are under review.
8. Prior to building permits final, the permit holder shall comply with all of the regulations and/or requirements of the Northshore Fire Protection District. The permittee shall contact the Northshore Fire Protection District for details.
9. This permit shall be null and void if not used by October 9, 2027, unless extended, or if the use is abandoned for a period of two (2) years.
10. The permittee shall pay the Fish and Wildlife Service Fee within five (5) days of the date of this approval. Payment shall be made to 'County of Lake' and shall be submitted to the Lake County Community Development Department for processing.
11. On-site storage of any items unrelated to the tower within the lease area is prohibited.

12. Antennas and antenna towers shall be inspected, following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Community Development Department. Costs of inspection and reporting shall be borne by the permit holder. If inspection is necessary, an inspection fee shall be paid to the County to cover the cost of County Staff for doing the inspection and any and all follow-up activities that are necessary.
13. The equipment supporting the tower shall be painted with flat earth-tone paint. All equipment, including the tower, shall be regularly maintained and painted as needed.
14. Prior to operation, the permittee shall contact the Lake County Building Department to conduct an inspection to verify that the site is Public Resource Code 4290 and 4291, and Wildland Urban Interface compliant.
15. All gated entrances shall be two feet wider than the interior access aisle or 22 feet wide, whichever is less. All gates shall be equipped with a Knox box to allow entry by emergency service providers.
16. The site address shall be posted as close to the entry road as possible prior to operation.
17. At the discretion of the Northshore Fire Protection District, portable fire extinguishers shall be installed at designated areas on the site. Prior to operation, the permittee shall contact the Northshore Fire Protection District to coordinate a site visit to confirm that this condition is met.
18. Prior to site disturbance, the applicant shall apply for a Grading Permit at the Lake County Community Development Department. The applicant shall provide total earth movement and road profiles for this Grading Permit.
19. All ancillary buildings, poles, towers, antenna supports, antennas, and other components or telecommunication facilities shall be of a color or combination of colors approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.

B. AESTHETICS

1. Prior to operation, the permittee shall install a maximum 8' tall screening fence around the tower's lease area. Fabric screening shall not be used due to poor durability; the screening material shall be chain link with slats, or a solid wood or metal fence. *Mitigation Measure AES-1*
2. All lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org. *Mitigation Measure AES-2*
3. Approval is for a 150' tall wireless communication facility disguised to look like a pine tree. Any changes to the appearance of the wireless communication facility will require a new use permit application. *Mitigation Measure AES-3*

C. AIR QUALITY

1. During site disturbance, the applicant shall apply palliatives (water) to the ground to minimize dust migration. *Mitigation Measure AQ-1*
2. Prior to installation, the applicant must obtain all necessary permits for the use of any diesel generators from the Lake County Air Quality Management District. *Mitigation Measure AQ-2*

D. BIOLOGICAL RESOURCES

1. If ground disturbing activities occur during the breeding and nesting season of nesting or roosting species (February 1 through September 15), surveys for active nests will be conducted by a qualified biologist no more than 10 days prior to start of activities. *Mitigation Measure BIO-1*

- 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 shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist shall survey suitable habitat for the presence of these species.
 - If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area shall be established to avoid impacts to the active nest site. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline.
 - If no nesting avian species are found, project activities may proceed and no further Standard Construction Conditions measures shall be required.
 - If active nesting sites are found, the following exclusion buffers shall be established, and no project activities shall occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival:
 - Minimum no disturbance of 250 feet around active nest of non-listed bird species and 250 foot no disturbance buffer around migratory birds;
 - Minimum no disturbance of 500 feet around active nest of non-listed raptor species; and 0.5-mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate regulatory agencies (i.e. CDFW, USFWS, etc.) shall be consulted for additional avoidance and minimization measures.
 - A variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers shall be supported by a qualified wildlife biologist and CDFW and USFWS shall be notified in advance of implementation of a no disturbance buffer variance.
2. The applicant shall submit a fee to the California Oak Woodlands Conservation Fund for the removal of healthy trees from the site. The fee shall be calculated at a rate of \$325.00 per inch of Diameter at Breast Height (DBH) for each healthy tree removed, or at the established rate if it differs from this amount at the time of payment. For multi-stemmed trees, the DBH shall be averaged to determine the applicable fee. The maximum total payment required under this measure shall not exceed \$19,000. Proof of payment, in the form of a receipt from the California Oak Woodlands Conservation Fund, shall be submitted to the Community Development Department prior to the commencement of project operations. *Mitigation Measure BIO-2*
3. Prior to construction or earthwork, the Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and Critical Root Zone (CRZ) shall be identified and flagged per the Tree Protection Management Plan and Arborist Report. The Tree Preservation Guidelines noted in the Arborist and Tree Preservation Plan prepared by Davey Resource Group (November 2023) (Attachment 5) shall be implemented if they are applicable. *Mitigation Measure BIO-3*
- E. CULTURAL RESOURCES
1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work. *Mitigation Measure CUL-1*
2. All employees shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground

disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training. *Mitigation Measure CUL-2*

3. Should any human remains be encountered, the applicant shall halt all work within 100 feet, notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5. *Mitigation Measure CUL-3*

F. GEOLOGY AND SOILS

1. Prior to ground disturbance and/or tree removal, the applicant shall obtain a grading permit. The applicant shall submit an engineered Grading and Erosion Control Plan to the County that estimates the amount of earth that will be moved, and how dust will be mitigated during the ground disturbance. Grading activities shall be limited to April 15-October 15, unless otherwise adjusted according to weather and soil conditions, at the discretion of the Administrative Official. Grading and Erosion Plans, and grading activities shall comply with Chapter 30, Grading Ordinance of the Lake County Municipal Code. *Mitigation Measure GEO-1*
2. The applicant shall submit a Stormwater Erosion Control Plan to the Lake County Building Division with the building permit application. The Best Practice Management Plan shall be submitted with the Stormwater Erosion Control Plan. *Mitigation Measure GEO-2*

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.
2. 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 permittee 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 permittee must complete and submit a *Hazardous Materials and Waste Registration Form* with the Division of Environmental Health. The permittee shall submit a copy of all necessary documents to the Community Development Department prior to issuance of any building permits.

H. TRIBAL CULTURE RESOURCES

1. All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to standards of NAHC or the culturally affiliated tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project. *Mitigation Measure TCR-1*
2. If previously unidentified tribal cultural resources are encountered during the project altering materials and their stratigraphic context shall be avoided, and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally-affiliated tribe(s) shall be contacted to evaluate the resource and prepare a tribal cultural resource plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition. *Mitigation Measure TCR-2*

I. WILDFIRE

1. The applicant shall keep a water tender truck on site during site disturbance to reduce the impacts that might result from a spark creating a wildfire on site. *Mitigation Measure WILD-1*
2. Prior to operation, the applicant shall improve the interior driveway to meet Public Resource Code 4290 and 4291 driveway standards. *Mitigation Measure WILD-2*

J. 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 permittee pay the Annual Compliance Monitoring Fee to the Community Development Department until all conditions of approval are met.
3. 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.
4. The site shall be restored to its natural state within six (6) months of termination of use or abandonment of the site.
5. Permittee shall enter into a Site Restoration Agreement subject to the approval of the Director of Community Development and County Counsel upon termination and abandonment of the facility.
6. The permittee 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"*.

Mireya G. Turner
Community Development Director

Prepared by: TT

By: _____
Pamela Miles, Office Assistant III

Acceptance

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

Date: _____

Signature of permittee or authorized agent

Printed name of permittee or authorized agent