

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: September 8, 2021

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 a.m./ No. 2

PROJECT TYPE: Crown Castle CUP #21-0004 (RENEWAL) SUPERVISOR DIST: #5

LOCATION: 87 Mitchells Camp Road, APN: 006-190-032-000

Palo Verde, CA 92266 PARCEL SIZE: +/-418.22 Acres

GENERAL PLAN (existing) Recreation/Open Space GENERAL PLAN (proposed) N/A

ZONE (existing) S-2 (Open Space/Preservation) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 09/08/2021

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: N/A

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER		<u>Quechan Historic, IVECA, & PVID</u>		

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE CONDITIONAL USE PERMIT #21-0004 BY TAKING THE FOLLOWING ACTIONS:

- 1) FIND THAT CONDITIONAL USE PERMIT #21-0004 IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND THAT NO FURTHER DOCUMENTATION IS NECESSARY; AND
- 2) APPROVE THE ATTACHED RESOLUTION(S), SUPPORTING FINDINGS AND CONDITIONAL USE PERMIT (CUP) #21-0004 (SUBJECT TO ALL THE CONDITIONS), AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE PERMITTEE.

STAFF REPORT
PLANNING COMMISSION MEETING
September 8, 2021
Conditional Use Permit (CUP) #21-0004

Applicant: **Crown Castle**
6500 W. Mansfield Ave., Villa 51
Denver, CO 80235

Agent: **MMI Titan Inc.**
Justin Robinson
6500 W. Mansfield Ave., Villa 51
Denver, CO 80235

Project Location:

The project site is located at 87 Mitchells Camp Road, Palo Verde, California, further identified as Assessor's Parcel Number (APN) 006-190-032-000, and is legally described as a portion of Section 23, Township 10 South, Range 22 East, S.B.B.M., filed in the Office of the County Recorder of Imperial County. (Attachment "A" Vicinity Map)

Project Summary:

The applicant, MMI Titan, Inc. on behalf of Crown Castle submitted Conditional Use Permit (CUP #21-0004) with the intent to request the renewal of entitlements of the previously approved Conditional Use Permit #05-0047 since it has reached its maximum time limitation. CUP#05-0047 was recorded on April 24, 2006 and was approved for a period of fifteen years (15) until its termination date of April 24, 2021

Crown Castle intends to continue with the operations of the existing 196-foot telecommunications tower and equipment structures. As required per Government Code Section 65964, the renewal of the time limitation would be of 10 years with an optional 5-year extension. Conditional Use Permit #21-0004 is meant to supersede the previously approved Conditional Use Permit #05-0047. No changes to the existing wireless facility were proposed.

History:

CUP #05-0047 was submitted to our office along with a Variance (V #05-0007) application on September 21, 2005 with the intent to operate and maintain one 200-foot telecommunications tower. Due to the height limitation in the S-2 Zone being 100 feet, the applicant submitted Variance (V #05-0007) to go over this limitation by an additional 100 feet. The Variance went before the Airport Land Use Commission on July 20, 2005, where the Commission found the proposed tower to be consistent with the Airport

Capability Plan. On November 9, 2005, CUP #05-0047 and V #05-0007 received a Negative Declaration after being heard by the Environmental Evaluation Committee. The project was subsequently heard and approved by Planning Commission on December 14, 2005.

Land Use Analysis:

The project site is zoned "S-2" (Open Space/Preservation) per Zone Map 70 of the Imperial County's Title 9 Land Use Ordinance, Division 25, Section 92570.00. Per the Imperial County's General Plan, the project site is designated as a Recreation/Open Space area. The project is consistent with the General Plan and the Imperial County Land Use Ordinance, since the tower is allowed with a Conditional Use Permit, as per section(s) 90519.02 of this ordinance.

Surrounding Land Use Ordinance:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Tower Site	S-2	Recreation/Open Space
North	Vacant	BLM	Recreation/Open Space & Government/Special Public
South	Vacant	BLM	Recreation/Open Space
East	Vacant	Riverside County	Riverside County
West	Vacant	BLM	Recreation/Open Space

Environmental Review:

The previously approved Conditional Use Permit #05-0047 was environmentally assessed and reviewed by the Environmental Evaluation Committee on November 9, 2005. The project received a Negative Declaration. Conditional Use Permit #21-0004 is found to be categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility). This exemption consists of the negligible or no expansion of an existing and permitted use. The type of existing facility that the communication tower would be categorized under in the CEQA Guidelines would be Section 15301 (b) which is an, "Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services..."

Staff Recommendation:

Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the proposed project, and then take the following actions:

1. Find that Conditional Use Permit #21-0004 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and that no further environmental documentation is necessary; and
2. Approve the attached Resolution(s), supporting findings and Conditional Use Permit #21-0004 (subject to all the conditions), and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

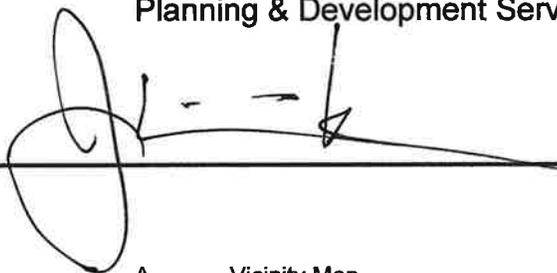
Prepared By: Jeanine Ramos, Planner I
Planning & Development Services



Reviewed By: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved By: Jim Minnick, Director
Planning & Development Services

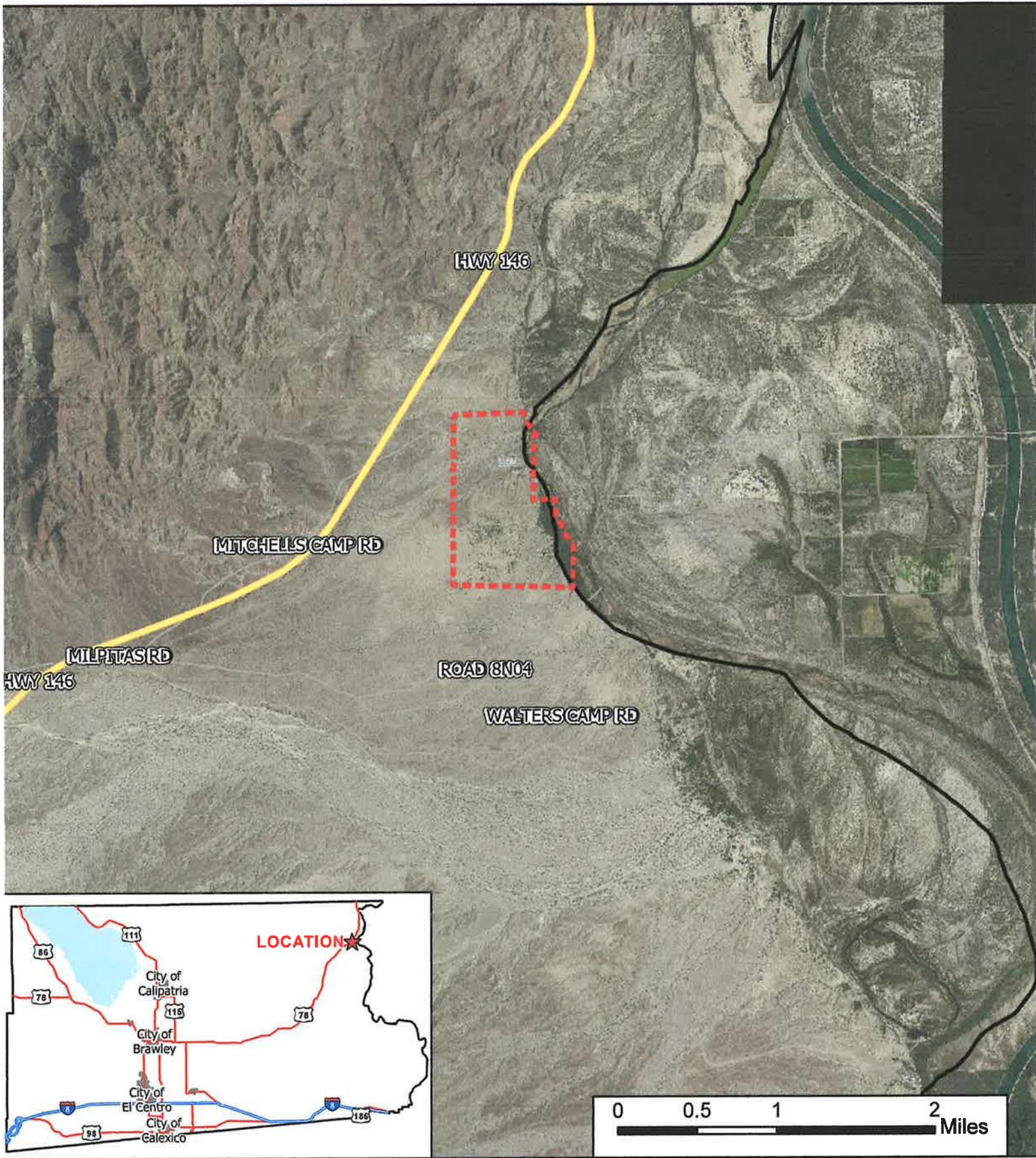


Attachments:

- A. Vicinity Map
- B. Site Plan
- C. Conditions of Approval (CUP #21-0004)
- D. Planning Commission Resolution
- E. Previously approved Conditional Use Permit #05-0047 & Variance #05-0007
- F. Conditional Use Permit #21-0004 Application & Supporting Documents
- G. Comment Letters

Attachments A: Vicinity Map

PROJECT LOCATION MAP



CROWN CASTLE
CUP #21-0004
APN 006-190-032-000

- County Boundary
- Highways
- Project Location



Attachments B: Site Plan

MITCHELLS CAMP FAMILY ASSOCIATION
842498
 PROJECT ADDRESS
 87 MITCHELLS CAMP ROAD
 PALO VERDE, CA 92286
 IMPERIAL COUNTY, CALIFORNIA
 APN: D09-18-2048
 CLDR:

CROWN CASTLE

PREPARED BY:

DRAFTLINK

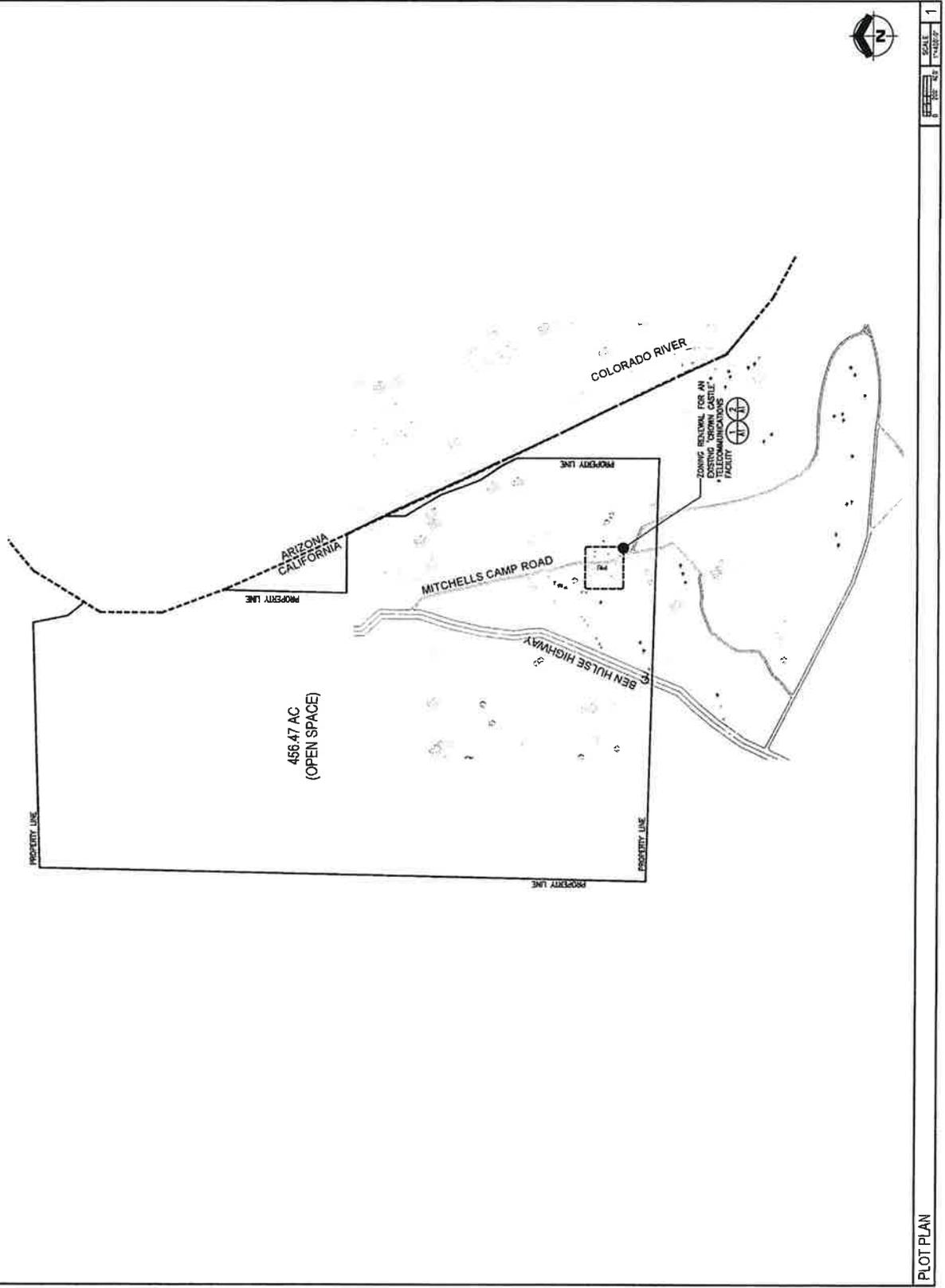
REV	DESCRIPTION	DATE
1	ISSUED FOR 25 REVIEW	07/14/17
0	ISSUED FOR 25 REVIEW	07/14/17

JOB NUMBER:

CONSOLE:

SHEET DESCRIPTION / ORIGIN:
 PLOT PLAN

SHEET NUMBER:
A0



PLOT PLAN

**Attachments C: Conditions of Approval
(CUP #21-0004)**

1 Recorded Requested By and
When Recorded Return To:

2 Imperial County Planning & Development Services
801 Main Street
3 El Centro California 92243

4
5 **AGREEMENT FOR CONDITIONAL USE PERMIT CUP #21-0004**
6 **Superseding Conditional Use Permit #05-0047**

(Crown Castle)

7 [Mitchell Camp Family Association]

(006-190-032-000)

8 **(Approved at Planning Commission September 8, 2021)**

9 This Agreement is made and entered into on this ____, day of _____ by Crown Castle
10 (6500 W. Mansfield Ave., Villa 51, Denver, CO 80235) hereinafter referred to as Permittee,
11 and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter
12 referred to as "COUNTY").

13 **WHEREAS**, Permittee is the owner or successor in interest in certain land in Imperial
14 County identified as Assessor's Parcel Number 006-190-032-000, and further identified by
15 the following legal description: a portion of Section 23, Township 10 South, Range 22 East,
S.B.B.&M. in the Office of the County Recorder of Imperial County; and

16 **WHEREAS**, Crown Castle, and/or any subsequent owner(s) would be required to and
17 intend to fully comply with all of the terms and conditions of the project as specified in this
18 Conditional Use Permit (CUP). This Conditional Use Permit Agreement #21-0004
19 supersedes Conditional Use Permit Agreement #05-0047 and any other prior Conditional
20 Use Permit Agreements. In the event of a conflict between the attached CUP Agreement
and conditions, these conditions govern; and

21 **WHEREAS**, Permittee has requested a permit to continue the operation of a 196-foot
22 above ground level "AGL" tower, including therewith the necessary security fencing, control
23 structure, and

24 **WHEREAS**, Permittee will not operate any type of use other than specified herein
and within the application; and

25 **WHEREAS**, Permittee intends to operate the tower for its own use, Permittee shall
26 at some future date allow another "compatible" use communication, or electronic
27 transmission operator (hereinafter referred to as a "subsidiary user"), to use the same tower,
28 thereby minimizing the number of towers required within the confines of the County; and

G3 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state, and/or federal permits, licenses, contracts, and/or other approvals for the construction and/or operation of this project. This shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff, Regional Water Quality Control Board, Offices of Emergency Services, Division of Mines and Geology, etc. Permittee shall like-wise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of any such additional permit, license and/or approval to the Planning Department within 30 days of receipt.

G4 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Recorder's Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180 day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G5 COMPLIANCE/REVOCAION:

Upon the determination by the Planning and Development Services Department, (if necessary upon consultation with other Departments or Agency(ies)) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing before the Planning Commission shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy. In the event the action by the County is necessitated by the actions or lack thereof of a subsidiary user of the tower, all action by the County shall be taken against the permittee as if the permittee had or was causing the violation. The County shall not be obligated to deal with any subsidiary user of the facility.

G6 PROVISION TO RUN WITH LAND:

The provisions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning and Development Services Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel. This shall likewise be applicable if the transfer is between the primary and a subsidiary user.

G7 RIGHT OF ENTRY:

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied, by the landowner, the permittee or a subsidiary user. The County will contact the person designated by the Permittee to request

1 access to the facility. The request shall be approved within (72) seventy-two hours after
2 request.

3 **G8 TIME LIMIT:**

4 Unless otherwise specified within the project specific conditions this project shall be limited
5 to a maximum of (10) ten years from the recordation date of the CUP. The Conditional Use
6 Permit may be extended for a single (5) five year period by the Imperial County Planning &
Development Services Director. The CUP may be revoked or the extension may not be
granted if the project is in violation of any one or all of the conditions or if there is a history
of non-compliance with the project conditions.

7 **G9 DEFINITIONS:**

8 In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or
9 conditions or sections herein shall be determined by the Planning Commission of the County
10 of Imperial. Their determination shall be final unless an appeal is made to the Board of
11 Supervisors within the required time. In this permit the term Permittee may also apply to any
12 other facility user whether specified by name herein or not. To the extent that this tower may
be used by more than one service provider other than the applicant (permittee), all of the
conditions of this permit shall be equally applicable to the other "user(s)" as if they were the
"permittee".

13 **G10 SPECIFICITY:**

14 The issuance of this permit does not authorize the Permittee to construct or operate this
15 project in violation of any state, federal, local law nor beyond the specified boundaries of the
16 project as shown the application/project description/permit, nor shall this permit allow any
17 accessory or ancillary use not specified herein. This permit does not provide any prescriptive
18 right or use to the Permittee for future addition and/or modification to this project. The site
19 specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions,
20 and only the use or uses listed shall be deemed as approved by this permit. The Permittee's
21 application and or any support documents supplied by Permittee as part of the application
22 shall not be used to determine allowed use(s).

23 **G11 HEALTH HAZARD:**

24 If the County Health Officer determines that a significant health hazard exists to the public,
25 the County Health Officer may require appropriate measures and the Permittee shall
26 implement such measures to mitigate the health hazard. If the hazard to the public is
27 determined to be imminent, such measures may be imposed immediately and may include
28 temporary suspension of the subject operations. However, within 45 days of any such
suspension of operations, the measures imposed by the County Health Officer must be
submitted to the Planning Commission for review and approval. Nothing shall prohibit
Permittee from requesting a special Planning Commission meeting provided Permittee
bears all costs.

29 **G12 ENCROACHMENT PERMIT:**

30 Permittee shall obtain, as necessary all encroachment permits, or other special traffic safety
31 permits from the Department of Public Works and/or CALTRANS.
32

G13 REPORT(S):

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed within sixty (60) days from the first day of the Calendar year, and shall include at a minimum, the total number of "users" on the tower, any problems encountered during the previous year, any reported frequency interference complaints, the name & phone number of the responsible person whom to contact, and a checklist to show the status of each condition herein. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from Permittee or other users if applicable, however it shall be the responsibility of the permittee to assure the County that such information is received.

G14 RESPONSIBLE AGENT:

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A backup name shall also be provided, and a phone number for 24-hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G15 INDEMNIFICATION:

At no cost to the County, Permittee and each and every subsidiary user, shall indemnify, and hold harmless the County, the Board of Supervisors and all officers and agents of the County against any and all claims, actions and liabilities arising out of the permitting, construction and/or operation of the project. This indemnity agreement shall be on file with the Planning and Development Services Department prior to recordation of this CUP. Failure to have the agreement on file within 60 days from the date of approval by the Planning Commission shall terminate the approval of this CUP. If the tower is subject to "multiple" use by anyone other than the Permittee, each such operator, or facility, or individual, person or corporation shall have on file with the County Planning and Development Services Department an indemnification agreement identical to that of the Permittee.

G16 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least 60 days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has requisite surety on file. Furthermore existing surety shall not be released until replacement surety is accepted

1 by County. Failure to provide timely notice of transfer by Permittee shall forfeit current
2 surety.

3 In the event this is a multi-use tower facility, the written approval from any "user" of the tower
4 shall be provided to the County in addition to the above.

5 **G17 COMPLIANCE WITH ORDINANCE:**

6 Permittee is aware of, has been provided a copy of and has agreed to be bound by and
7 maintain compliance with the "Communications Ordinance", being Title 9 Division 24 of the
8 County's codified ordinances.

9 (TOTAL "G" CONDITIONS are 17)

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Site Specific Conditions:

S1 PROJECT DESCRIPTION:

This permit authorizes the Permittee to operate a cellular communication tower with the necessary ancillary equipment, generally being a small control structure(s), backup generator(s) and fencing. The Tower height shall not exceed 200-feet above ground level (AGL). In this case, the tower shall be a Free Standing tower with no guy wire support, and this tower may be used by multiple users in addition to the Permittee, provided the conditions stated herein are followed.

S2 ACCESS TO SITE:

Access to the site shall be as described in the application and as shown on the assessors plat map, and/or as approved by or through an encroachment permit.

S3 NO TRESPASSING SIGNS:

Permittee shall post the site for "No Trespassing" on each side all along the fence.

S4 HOURS OF OPERATION:

Permittee shall be allowed to operate the site 24 hours per day, seven days per week.

S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS:

This permit authorizes the Permittee to operate the site as described under Specific Condition S1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this site, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S6 SUSPENSION OF OPERATIONS:

If operation of the communications facility ceases for a period of twenty four (24) consecutive months, the Permittee shall remove the communications tower, all related equipment, and all structures and buildings within 6 months. Permittee may request in writing to the Planning Director a one-time extension; such extension shall be limited to a maximum of one year.

S7 ENFORCEMENT ACTION:

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations, the County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the Permittee, even if the violation is caused by another party using the tower. It shall be the responsibility of Permittee to assure that the tower is operated in compliance with all terms and conditions of the CUP.

S8 LIGHT & GLARE:

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and direct to onsite areas to minimize off site interference from unacceptable levels of light or glare.

S9 CONFLICTING PERMIT CONDITIONS:

In the event that there is a conflict between the condition of this permit and any other permit, the most stringent condition shall govern.

S10 MINOR ADMINISTRATIVE MODIFICATION:

The Planning and Development Services Director shall have the authority to make interpretations, issue administrative decisions and provide directions that while not modifying the intent of any condition will allow for problem resolution at an administrative level. Both Director and/or Permittee have the right to defer such issues to the Planning Commission. However in no event shall any decision regarding this permit be brought to the Board of Supervisors without first having been brought to the Commission.

S11 LATEST CODES GOVERN:

All on site structures shall be designed and built to meet the latest edition of the applicable codes. In the event the tower is altered, added to, or modified to accommodate additional users, additional antennae or other structural modifications from those originally approved by County, Permittee shall provide revised structural drawings and calculations to the Building Inspection Division prior to such modifications being made.

S12 LIGHTING:

All towers shall be lit with aircraft warning lights. At a minimum the tower shall include lights at the top of the structure. Permittee shall install a white medium intensity strobe beacon (for daylight use only) and a red flashing warning light (for nighttime use only) to warn aircraft in the vicinity. Permittee shall submit evidence of compliance with these requirements.

The County of Imperial will not require back-up power so long as the following measures are in place:

1. Implementation of a Network Operation Control Center (NOCC) as a 24 hour, 365 days a year alert system that informs the tower operator and other pertinent agencies immediately of any problems with the tower and the emergency lighting system (including towers less than 200 feet.);
2. Provide the Imperial County Applicators' notification under the NOCC system and its updates at no cost;
3. Work with Imperial County Air Applicators' on the repair schedule and flight path rerouting;
4. Repair lighting or tower equipment failure within 72 hours, and;
5. Provide written reports to the Imperial County Air Applicators' and the Imperial County Planning & Development Services Department upon completion of tower repairs (to the tower lighting) resulting from NOCC actions, and provide yearly summary reports pertaining to NOCC actions.

S13 COMMUNICATION FREQUENCY:

Transmission frequency, amount of radiated power, and antennae characteristics shall comply with requirements by the Federal Aviation Authority (FAA), Federal Communications Commission (FCC), Planning Department and other applicable agencies.

S14 FREQUENCY COORDINATION:

The operation of the project shall not cause interference with transmission or reception of signals or other communication facilities. Failure to comply with this condition shall result in suspension or revocation of the Conditional Use Permit.

S15 TOWER EMERGENCY INFORMATION:

Permittee shall file (with the County) a Tower Site Information sheet. The permittee shall update this information yearly.

S16 RESTORATION SURETY:

(a) Upon the expiration of this CUP, Permittee shall restore the site upon which the project is located back to its undeveloped condition. To ensure that such restoration is completed, Permittee shall provide security that is in conformance with the County's Financial Assurance Guideline, is acceptable to the Office of County Counsel, and in an amount not less than \$25,000. Said security shall cover Permittee, as well as any co-locators, users, or other subleases located at the site.

(b) The amount of security may be administratively increased by the Planning Department or the Planning Commission, upon a finding that the characteristics of the site warrants additional security. The security must be filed with the County within six (6) months of the approval of this CUP, and/or prior to the issuance of any building or grading permit, whichever comes first.

(c) The security shall remain in effect until the project has been completely removed, and the site has been fully restore to its undeveloped condition. In the event there is a history of noncompliance with the conditions of this CUP, or any other applicable federal, State or local law, regulation, rule, policy or procedure, the minimum amount of required security may be administratively increased by the Planning Department or Planning Commission to \$35,000.

(TOTAL "S" CONDITIONS are 16)

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NOW THEREFORE, County hereby issues Conditional Use Permit #21-0004, and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE

Authorized Representative
Crown Castle

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

James Minnick, Director of
Planning & Development Services

Date

PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____ } S.S.

On _____ before me, _____ a Notary Public in and for said County and State, personally appeared _____, who proved to on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____
a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

**Attachments D: Planning Commission
Resolution**

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “CONDITIONAL USE PERMIT #21-0004” FOR CROWN CASTLE

WHEREAS, Crown Castle submitted an application for Conditional Use Permit #21-0004 for the renewal of Land Use Entitlements for an existing 196-foot above ground level (AGL) unmanned lattice wireless telecommunication facility.

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”;

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 8, 2021.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #21-0004 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit is adequately prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning laws and the County of Imperial regulations, the following findings for approving Conditional Use Permit #21-0004 have been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Recreation/Open Space”. The project is found to be consistent with the goals and policies of the Imperial County General Plan Land Use Element, and therefore, consistent with the County’s General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The purpose of this project is to renew the land use entitlements granted with the recording of Conditional Use Permit #05-0047 for an existing 196-foot wireless telecommunication tower. While communication towers are not an outright use for an "S-2" zone, it can be allowed with approval of a Conditional Use Permit according to Section 90519.02 of the Imperial County Title 9 Land Use Ordinance. Therefore, upon approval of this Conditional Use Permit, the continued use will be consistent with the purpose of the S-2 zoning district.

- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.**

While the proposed communication tower is not designated as an outright use, it has been listed as a use allowed subject to the approval of a Conditional Use Permit per Section 90519.02 of the Imperial County Land Use Ordinance. Additionally, Section 90203.00 of this same ordinance defines and establishes the guidelines for processing a Conditional Use Permit application. The proposed communication tower is considered an Intermediate Conditional Use Permit, and has been found to adhere to the requirements put in place by Section 90203.00.

- D. The proposed use meets the minimum requirements of Title 9 applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.**

Per Section 90519.02 of the Title 9 Ordinance, the proposed use will comply with the regulations of the County of Imperial upon approval of the Conditional Use Permit (CUP). The minimum requirements for the processing of a CUP per Section 90203.02 include a written application, the documentation listed in Section 90104.00 of Title 9, and the required fees. All required documentation and fees has been reviewed and accepted by ICPDS staff, and therefore complies with all applicable laws, ordinances, and regulations of the County of Imperial. Furthermore, the Conditions of Approval for the CUP will ensure that the proposed use will continue to comply with the County of Imperial's ordinances.

- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.**

With the exception of the existing communication tower, the project site is currently in a vacant area. The site also does not allow for easy access to the surrounding public and this is an existing tower that has benefitted the area. Due to this reasoning, the proposed use is not expected to be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

- F. The proposed use does not violate any other law or ordinance.**

The proposed use has been found consistent with the Title 9 Land Use Ordinance for the County of Imperial per Section 90519.02 that allows for the use of a communication tower

subject to the approval of a Conditional Use Permit. Furthermore, the processing and review of the CUP application has been found to meet the requirements found in Section 90203.01 of Title 9. Therefore the project use has not been found to violate any other law or ordinance.

G. The proposed use is not granting a special privilege.

The proposed project is an allowed use subject to the approval of Conditional Use Permit #21-0004 due to the requirements found under Land Use Ordinance, Sections 90203.01, 90519.02, and 92401.01. All of said requirements have been reviewed and accepted by ICPDS staff and will not grant a special privilege to the proposed use.

NOW, THEREFORE, based on the above findings, the County of Imperial Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #21-0004, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **September 8, 2021** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

**Attachments E: Previously approved
Conditional Use Permit #05-0047 &
Variance #05-0007**

When Recorded Return To:

Imperial County Planning & Dev. Services Department
801 Main Street
El Centro, California 92243

Recorded in Official Records,
Imperial County
Doc#: 2006-019874
4/24/2006 10:41 AM

AGREEMENT FOR CONDITIONAL USE PERMIT #05-0047
(Cingular Wireless Communication Tower)
(006-190-032-001)
(87 Mitchell's Camp Road)

This Agreement is made and entered into on this December 14, 2005, by and between Cingular Wireless, (hereinafter referred to as "Permittee"), the COUNTY OF IMPERIAL, a political subdivision of the State of California (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, and/or operator and/or successor-in-interest in certain land in Imperial County known as "Assessors Parcel 006-190-032-001, further described as a portion of Section 23, Township 10 South, Range 22 East SBB&M" and;

WHEREAS, Permittee has applied to the County for permission to operate and maintain a Cellular Telecommunication Tower, upon the above site, and;

WHEREAS, Permittee has requested a permit to operate and maintain a 200-foot above ground level "AGL" co-locatable, lattice, telecommunication tower, including related facilities therein and the necessary security fencing, control structure, and;

WHEREAS, Permittee will not operate any type of use other than specified herein and within the application, and;

WHEREAS, Permittee intends to operate the tower for its own use, Permittee may at some future date desire to allow another "compatible" use communication, or electronic

1
2 transmission operator (hereinafter referred to as a "subsidiary user", to use the same
3 tower, thereby minimizing the number of towers required within the confines of the County,
4 and;

5 **WHEREAS**, the County would like to encourage multiple use of such towers to the
6 extent that "sharing" of towers is compatible in use, frequency and meets applicable
7 regulatory standards of all permitting jurisdictions, and;

8 **WHEREAS**, though the "sharing" of tower space is physically possible, it is
9 recognized that additional structural considerations must be addressed and if applicable,
10 permitted by the Building Inspection Division, so that the tower is structurally adequate,
11 and;

12 **WHEREAS**, the County and Permittee recognize that such facilities may create a
13 "visual" impact, an on going monitoring requirement which impacts local government, as
14 well as other impacts to the surrounding land uses that are significant, but unmitigable,
15 therefore Permittee will provide to County alternative benefits to offset the un-mitigable
16 impacts, and;

17 **WHEREAS**, County, after a review of the project, after a noticed public hearing
18 before the Environmental Evaluation Committee, after a noticed public hearing before the
19 Planning Commission, agreed to issue Conditional Use Permit #5-0047 which includes
20 Variance 04-0007 to Permittee, and/or his or her successor in interest subject to all of the
21 following conditions:

22 **NOW THEREFORE**, the County issued the CUP 05-0047 and Variance 05-0007
23 subject to all of the following conditions.
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INDEX TO CONDITIONS:

G-1	Costs
G-2	Audit of Bills
G-3	Permits/Licenses
G-4	Recordation
G-5	Compliance/Revocation
G-6	Provisions to Run with Land
G-7	Right of Entry
G-8	Time Limit
G-9	Definitions
G-10	Specificity
G-11	Health Hazard
G-12	Encroachment Permit
G-13	Report(s)
G-14	Responsible Agent
G-15	Indemnification
G-16	Change of Owner/Operator
G-17	Compliance with Ordinance
G-18	Local Benefit Agreement
S-1	Project Description
S-2	Access to Site
S-3	No Trespass Signs
S-4	Hours of Operation
S-5	Ancillary uses and Additional Land Use Permits
S-6	Suspension of Operations
S-7	Enforcement Action
S-8	Light & Glare
S-9	Conflicting Permit Conditions
S-10	Minor Administrative Modification
S-11	Latest Codes Govern
S-12	Variance
S-13	Lighting
S-14	Communication Frequency
S-15	Frequency Coordination
S-16	Restoration Surety
S-17	Emergency/Communication Participation
S-18	Development Agreement (Alternative)

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G1 COSTS:

Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other laws that apply. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this permit, shall be billed through the Planning & Development Services Department.

G2 AUDIT OF BILLS

Permittee shall have the right to have any bill audited for clarification or correction. In the event Permittee request an audit or an explanation of any bill, it shall be in writing to the Planning & Development Services Department. Permittee shall bring the account current including any amount due under a "disputed" billing statement, before any audit is performed. If the amount disputed is the result of a Department other than the Planning & Development Services Department, the explanation or audit shall be performed by said Department and a report provided to both the Permittee and the Planning & Development Services Department.

G3 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state, and/or federal permits, licenses, contracts, and/or other approvals for the construction and/or operation of this project. This shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff, Regional Water Quality Control Board, Offices of Emergency Services, Division of Mines and Geology, Caltrans, CHP etc. Permittee shall likewise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of any such additional permit, license and/or approval to the Planning & Development Services Department within 30 days of receipt as deemed necessary.

G4 RECORDATION:

This permit shall **not be effective** until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180 day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G5 COMPLIANCE/REVOCATION:

Upon the determination by the Planning & Development Services Department, (if necessary upon consultation with other Department(s) or Agency(ies)) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing before the Planning Commission shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy. In the event the action by the County is necessitated by the actions or lack thereof of a subsidiary user of the tower, all action by the County shall be taken against the permittee as if the permittee had or was causing the violation. The County shall not be obligated to deal with any subsidiary user of the facility.

G6 PROVISION TO RUN WITH LAND:

The provisions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel. This shall likewise be applicable if the transfer is between the primary and a subsidiary user.

G7 RIGHT OF ENTRY:

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied, by the landowner, the permittee or a subsidiary user.

G8 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive three (3) year(s) by the Planning Director upon a finding by the Planning Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein no conditional use permit shall be extended for more than four consecutive periods. If an extension is necessary or requested beyond fifteen years, Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions.

G9 DEFINITIONS:

In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. The determination shall be final unless an appeal is made to the Board.

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2 of Supervisors within the required time. In this permit the term Permittee may also apply to
3 any other facility user whether specified by name herein or not. To the extent that this
4 tower may be used by more than one service provider other than the applicant (Permittee),
all of the conditions of this permit shall be equally applicable to the other "user(s)" as if they
were the "Permittee".

5 **G10 SPECIFICITY**

6 The issuance of this permit does not authorize the Permittee to construct or operate this
7 project in violation of any state, federal, local law nor beyond the specified boundaries of
8 the project as shown by the application/project description/permit, nor shall this permit
9 allow any accessory or ancillary use not specified herein. This permit does not provide any
10 prescriptive right or use to the Permittee for future addition and/or modification to this
project. The site specific use authorized by this permit is listed under the SITE SPECIFIC
("S") conditions, and only the use or uses listed shall be deemed as approved by this
11 permit. The Permittee's application and or any support documents supplied by Permittee
as part of the application shall not be used to determine allowed use(s).

12 **G11 HEALTH HAZARD:**

13 If the County Health Officer determines that a significant health hazard exists to the public,
14 the County Health Officer may require appropriate measures and the Permittee shall
15 implement such measures to mitigate the health hazard. If the hazard to the public is
16 determined to be imminent, such measures may be imposed immediately and may include
temporary suspension of the subject operations. However, within 45 days of any such
17 suspension of operations, the measures imposed by the County Health Officer must be
submitted to the Planning Commission for review and approval. Nothing shall prohibit
18 Permittee from requesting a special Planning Commission meeting provided Permittee
bears all costs.

19 **G12 ENCROACHMENT PERMIT**

20 An encroachment permit shall be secured from Department of Public Works for any and all
21 new, altered or unauthorized existing driveway(s) to access the property. Permittee shall
22 furnish a Grading and Drainage Plan/Study to provide for property grading and erosion
23 control, which shall also include prevention of sedimentation or damage to off-site
24 properties. The Plan/Study shall be submitted to the Department of Public Works for
25 review and approval. The applicant shall implement approved plan.

26 Please be advised that a Record of Survey may be required per the California Professional
27 Land Surveyors Act. The applicant can contact Charles Lovett, Public Works Department
28 for further information. Legal and physical access shall be provided to access the
communication facility.

G13 REPORT(S)

Permittee shall file an annual report with the Planning & Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed within sixty (60) days from the first day of the Calendar year, and shall include at a minimum, the total number of "users" on the tower, any problems encountered during the previous year, any reported frequency interference complaints, the name & phone number of the responsible person(s) whom to contact, and a checklist to show the status of each condition herein. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to ensure that the County receives such information.

G14 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning & Development Services Department the name and phone number of the responsible agent for the site. A backup name shall also be provided, and a phone number for 24-hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G15 INDEMNIFICATION

At no cost to the County, Permittee and each and every subsidiary user, shall indemnify, and hold harmless the County, the Board of Supervisors and all officers and agents of the County against any and all claims, actions and liabilities arising out of the permitting, construction and/or operation of the project. This indemnity agreement shall be on file with the Planning & Development Services Department prior to recordation of this CUP. Failure to have the agreement on file within 60 days from the date of approval by the Planning Commission shall terminate the approval of this CUP. If the tower is subject to "multiple" use by anyone other than the Permittee, each such operator, or facility, or individual, person or corporation shall have on file with the County Planning & Development Services Department an indemnification agreement identical to that of the Permittee.

G16 CHANGE OF OWNER/OPERATOR

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning & Development Services Department in writing at least 60 days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has the requisite surety on file. Furthermore, the existing surety shall not be released until replacement

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2 surety is accepted by the County. Failure to provide timely notice of transfer by Permittee
3 shall forfeit current surety.

4 In the event multiple users use this facility, a current written approval from the permittee
5 shall be provided to the Imperial County Planning & Development Services Department.

6 **G17 COMPLIANCE WITH ORDINANCE**

7 Permittee is aware of, has been provided a copy of and has agreed to be bound by and
8 maintain compliance with the "Communications Ordinance", being Title 9 Division 24 of the
9 County's codified ordinances.

10 **G18 LOCAL BENEFIT AGREEMENT**

11 Permittee has agreed to provide a local benefit per a negotiated agreement between the
12 County and the permittee. This local benefit agreement allows the Permittee to provide one
13 of the following: (a) tower space reserved for County/IVECA use the reservation to be held
14 for a period of three years during which the County/IVECA must notify the permittee of its
15 intent to use the facility or in the absence thereof notify its intention not to use the facility;
16 (b) in lieu of the reservation of space, pay an equivalent amount equal to the rental value of
17 the space for the three year period, the funds to be dedicated to a trust account under the
18 control of the Planning & Development Services Department for allocation to the public
19 communications systems being developed by IVECA, IID and ICOE; (c) provide electronic
20 equipment of equivalent value of the three year rental value of the tower space, the type of
21 equipment to be determined by the IVECA, ICOE and IID systems; (d) engineering
22 services of equivalent value as defined in (b) and (c). The Director of Planning/Building,
23 based upon current community needs determined in consultation with IVECA, ICOE and
24 IID, shall approve the choice of the alternative. The in lieu of fee may be paid in a lump
25 sum at time of recordation in which case the total value shall be discounted by 20% of the
26 aggregate value that would have been paid on a monthly basis for the three year period. It
27 may also be paid at the end of the three-year term of the CUP, prior to the renewal of the
28 CUP in which case the total cost will be the aggregate total for the three-year period plus
10% interest on the total.

(TOTAL "G" CONDITIONS are 18)

The balance of this page was intentionally left blank!

SPECIFIC PROJECT CONDITIONS:**S1 PROJECT DESCRIPTION**

This permit authorizes the Permittee to construct and operate a cellular communication tower with the necessary ancillary equipment, generally being a small control structure and fencing. The Tower height shall not exceed 200 feet and the total developed height of any antenna thereon shall not exceed 200 feet above ground level (AGL) (200 ft Total tip height). The tower shall be constructed to the specifications contained in the application or as modified. In this case the tower shall be a "free standing" tower with no guy wire support. In addition to the information contained in the application, and as a result of the County, the applicant and the other interested parties desiring to minimize the number of towers in the County, this tower may be used by multiple users in addition to the Permittee, provided the conditions stated herein are followed.

S2 ACCESS TO SITE

Access to the site shall be as described in the application and as shown on the assessors plat map, and/or as approved by or through an encroachment permit. The proposed project borders Mitchell's Camp Road, which is classified as a "Local County Road" requiring sixty (60) feet of right-of-way, being thirty (30) feet from the existing centerline. It is therefore requested that sufficient right-of-way be provided along the project to meet this road classification. 1

S3 NO TRESPASSING SIGNS

Permittee shall post the site for "No Trespassing" at least every side along the active perimeter of the site

S4 HOURS OF OPERATION

Permittee shall be allowed to operate the site 24 hrs per day, seven days per week.

S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS

This permit authorizes the Permittee to operate the site as described under condition S1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this site, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S6 SUSPENSION OF OPERATIONS

(a) If operation of the communications facility ceases for a period of twenty four (24) consecutive months, the Permittee shall remove the communications tower, all related equipment, and all structures and buildings within 6 months. Permittee may request in writing to the Planning Director a one-time extension; such extension shall be limited to a maximum of one year.

(b) Permittee shall file (with the County) surety in the amount of \$10,000.00 (Ten Thousand Dollars) in a form acceptable to County Counsel. Said surety shall be filed within six (6) months of the approval of this CUP, and/or prior to issuance of any construction permit, whichever comes first, and shall guarantee restoration of the land to its condition prior to development.

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3 (c) If there are other persons, firms or corporations using said tower, in addition to the
4 Permittee, the surety shall increase at the rate of \$5,000.00(Five Thousand Dollars) per
5 user and shall be provided to the County by said persons, firms or corporations.

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8 **S7 ENFORCEMENT ACTION**

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations, the County may order the facility to cease operation until it can or will be operated in full compliance.

9 In the event there is enforcement action taken by the County it shall at all times be against
10 the Permittee, even if the violation is caused by another party using the tower. It shall be
11 the responsibility of Permittee to ensure that the tower is operated in compliance with all
12 terms and conditions of the CUP.

13
14 **S8 LIGHT & GLARE**

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed towards on site areas to minimize off-site interference from unacceptable levels of light or glare.

15
16 **S9 CONFLICTING PERMIT CONDITIONS**

In the event that there is a conflict between the condition of this permit and any other permit, the most stringent condition shall govern.

17
18 **S10 MINOR ADMINISTRATIVE MODIFICATION**

The Planning Director shall have the authority to make interpretations, issue administrative decisions and provide directions that while not modifying the intent of any condition will allow for problem resolution at an administrative level. Both the Planning Director and/or Permittee have the right to appeal such issues to the Planning Commission. However, in no event shall any decision regarding this permit be brought to the Board of Supervisors without first having been brought to the Planning Commission.

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20
21 **S11 LATEST CODES GOVERN**

All on-site structures shall be designed and built to meet the latest edition of the applicable codes. In the event the tower is altered, added to, or modified to accommodate additional users, additional antennae or other structural modifications from those originally approved by County, Permittee shall provide revised structural drawings and calculations to the Building Inspection Division prior to such modifications being made.

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24 **S12 VARIANCE**

In conjunction with this CUP a height variance has been processed and issued to allow for the construction of the communication tower to a height not to exceed 200 feet above ground level (AGL)

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28 **S13 LIGHTING**

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2 Aircraft warning lights are to be installed on the tower to meet Federal Aviation
3 Administration (FAA) specifications. Electrical back-up power shall be provided for these
4 lights on the existing tower according to FAA standards and at a minimum shall include
5 lights at the top and at the mid-point of the structure. Permittee shall submit evidence of
6 compliance with the FAA requirements within six (6) months from the approval date of this
7 CUP. As required by the Airport Land Use Commission, Permittee shall install a high
8 intensity strobe beacon (for daylight use only) and a red flashing warning light to warn
9 aircraft in the vicinity.

10 **S14 COMMUNICATION FREQUENCY**

11 Transmission frequency, amount of radiated power, and antennae characteristics shall be
12 in compliance with requirements by the Federal Aviation Authority (FAA), Federal
13 Communications Commission (FCC), Planning & Development Services Department and
14 other applicable agencies.

15 **S15 FREQUENCY COORDINATION**

16 The operation of the project shall not cause interference with transmission or reception of
17 signals or other communication facilities. Failure to comply with this condition shall result
18 in suspension or revocation of the Conditional Use Permit.

19 **S16 RESTORATION SURETY**

20 The original surety shall remain in effect until the tower and the ancillary facilities are
21 removed and the site restored to its original condition. In the event there is a history of non-
22 compliance with these conditions, prior to the renewal terms herein, the surety may be
23 administratively increased from \$10,000.00 minimum to \$15,000.00, if the renewal is
24 considered by the Planning Commission or the Planning Director.

25 **S17 EMERGENCY/COMMUNICATION PARTICIPATION**

26 The Permittee shall, in exchange for the benefit of this authorization, create a public benefit
27 to the County by supporting the County in its program to establish and maintain a County-
28 wide emergency communication system as well as a County-wide High Speed Internet
Communication system. This support shall be in accordance with condition G-18.

S18 DEVELOPMENT AGREEMENT (ALTERNATIVE)

In lieu of Condition S17, the Permittee will enter into a "Development Agreement" with the
County, the terms of which shall substantially support the concept of G-18. The
development agreement may, however, provide alternative benefits that the County desires
in lieu of direct payments. The Permittee may exercise this option within 30 days from the
date of approval by the Planning Commission, but prior to recordation; however, in doing
so Permittee agrees to be bound by condition S17 until such time as a "development
agreement" becomes effective. If the development agreement process is commenced, but
not completed, condition S17 shall continue to govern.

Permittee is advised that County does have a "development agreement" ordinance which
governs the processing of such an agreement. Furthermore, Permittee is advised that a
development agreement can only be approved by the Board of Supervisors; therefore, a
hearing before the Board will be necessary to effectuate such an agreement.

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NOW THEREFORE, County hereby issues Conditional Use Permit # 05-0047 and Variance #05-0007 and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

Permittee

COUNTY OF IMPERIAL, a political
Subdivision of the STATE OF CALIFORNIA

BY: *Rhonda A. Dwyer*
Cingular Wireless
Authorized Agent/Representative

By: *Judy Heuberger*
Judy Heuberger, AICP, CEP
Planning & Dev. Services Director

Dated *2/28/06*

Dated *3-24-06*

**Attachment F: CUP #21-0004 Application &
Supporting Documents**

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Mitchell Camp Family Association	EMAIL ADDRESS MITCHELLCAMP2013@HOTMAIL.COM	
2. MAILING ADDRESS (Street / P O Box, City, State) P.O. Box 398, Palo Verde CA	ZIP CODE 92266	PHONE NUMBER (760) 854-3200
3. APPLICANT'S NAME Crown Castle c/o MMI Titan Inc.	EMAIL ADDRESS justin.robinson@mmi-titan.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 6500 W Mansfield Ave., Villa 51, Denver, CO	ZIP CODE 80235	PHONE NUMBER (714) 863-4366
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 006-190-032	SIZE OF PROPERTY (in acres or square foot) 418.22 Acres	ZONING (existing) Rec / Open Space
7. PROPERTY (site) ADDRESS 87 Mitchell Camp Road PALO VERDE, CA 92260		
8. GENERAL LOCATION (i.e. city, town, cross street) Mitchell Camp Road & 3 Slashes Road		
9. LEGAL DESCRIPTION See Enclosed		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	No Change to the current and existing uses. Crown Castle intends to submit a CUP for the existing tower location. CROWN CASTLE IS SUBMITTING FOR A NEW CUP FOR THE TIME EXTENSION FOR CUP # 05-0047.
11. DESCRIBE CURRENT USE OF PROPERTY	Mobile Home Park
12. DESCRIBE PROPOSED SEWER SYSTEM	Not Applicable to this Application
13. DESCRIBE PROPOSED WATER SYSTEM	Not Applicable to this Application
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Interior Halon System in existing shelter
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Peggy Ann Goodwin 4-15-21
Print Name Date
Peggy Ann Goodwin
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY OTHER DEPT'S required. <input type="checkbox"/> P. W. <input type="checkbox"/> E. H. S. <input type="checkbox"/> A. P. C. D. <input type="checkbox"/> O. E. S. <input type="checkbox"/> _____ <input type="checkbox"/> _____
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	
APPLICATION REJECTED BY: _____	DATE _____	
TENTATIVE HEARING BY: _____	DATE _____	
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	

CUP #



MMI Titan Inc.

February 5, 2021

Imperial County Planning and Development Services
Jim Minnick, Director
801 Main Street
El Centro, CA. 92243

Re Application for the continued operation and issuance of a Conditional Use Permit for the existing Wireless Telecommunication Facility located at 87 Mitchells Camp Road
APN: 006-190-032
Crown Castle – 842498 – Mitchell Camp Family Association

Dear Mr Minnick:

Please see the enclosed application and materials for the renewal and extended use of the existing Communications Facility located at the Mitchell Camp property referenced above. The existing Conditional Use Permit (05-0047) expires on April 24, 2021 and Crown Castle is requesting approval of a new Permit or extension of the existin permit to allow for the continued operation of the existing facilities. Please note, there are no modifications or additions proposed as part of this application.

Enclosed are the hard copy originals of submittal materials and a USB Drive with PDFs of all the enclosed documents for ease of distribution.

Please let me know how best to pay the fees associated with this application and I will call in or provide the appropriate Credit Card information.

Thank you for your review of the enclosed, please contact me with any questions, concerns or requests for additional information. Crown Castle looks forward to assisting in any way to help facilitate the processing of this application.

Sincerely,

Justin Robinson
(714) 863-4366
Justin.Robinson@mmi-titan.com

RECEIVED
FEB 08 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES



MMI Titan Inc.

February 4, 2021

Imperial County Planning and Development Services
Jim Minnick, Director
801 Main Street
El Centro, CA. 92243

Re Application for the continued operation and issuance of a Conditional Use Permit for the existing Wireless Telecommunication Facility located at 87 Mitchells Camp Road
APN: 006-190-032-001
Crown Castle – 842498 – Mitchell Camp Family Association

INTRODUCTION / OVERVIEW

Crown Castle, hereafter referred to as “Crown Castle” or “applicant”, is requesting a Conditional Use Approval to permit the continued use and operation of a Wireless Communication Facility (tower) in an S-1 zoned district in Imperial County. This existing communication facility is currently supporting AT&T in this area and is designed to provide for their current and future technologies, modifications and 5G upgrades. The existing site was originally permitted and installed in 2006 by Imperial County and renewed in 2016. It has been in continuous operation since its construction. The permit is due for renewal and prompted this Conditional Use Permit application for the on-going use and re-permitting of the existing site. This facility is an important part of the existing AT&T network and has been one of the foundation sites that the surrounding network has been designed and built from.

In addition to traditional wireless telephone services, other benefits of this installation will include wireless internet connections and wireless data transmission. This facility will also support emergency services by providing wireless communications to paramedics, firefighters and law enforcement agencies. These needs have become established and accepted as an integral part of the communications infrastructure, as these services promote public health, safety, comfort and general welfare.

Some examples of the benefits of wireless to community services are:

- Wireless networks are the primary communication source for numerous federal, state, and local emergency service organizations. It is critical that these groups have the coverage and capacity in their wireless networks to meet their E911 and other needs. Wireless service acts as a backup for radio systems, connectivity for in-vehicle computers, and real-time cameras.



MMI Titan Inc.

- These sites generally have battery backup at a majority of its facilities. This is a critical element to keeping a site operating during a natural disaster or other emergency.
- 80% of 911 calls originate from a personal cell phone. (National Emergency Number Association, Enhancing 9-1-1 Operations with Automated Abandoned Callback & Location Accuracy (Motorola Solutions) (August 23, 2018)
- 240 million 911 calls are made annually from wireless phones. (Answers, March 2015)
- 74% of wireless subscribers have used devices in an emergency. (Pew Research)
- 55% of American homes are wireless only. (CDC's 2018 Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-July, 2018)
- There have been 360 Amber Alert notification children recovered since 2005.
(www.wirelessameralerts.org)

In order to continue to meet the above listed needs, Crown Castle is requesting approval for the continued use and operation of this existing Facility. Like traditional cellular phone systems, these facilities operate on a grid type system, whereby overlapping cells mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the facility. Based on this information, as well as local population density, traffic patterns, future development and topography, this site is integral to the existing network.

Crown Castle is one of the largest providers of shared communications infrastructure in the United States, with roughly 40,000 cell towers comprising approximately 91,000 installations. Together with its small cell networks and approximately 60,000 miles of fiber optic cable, Crown Castle's extensive infrastructure serves as the backbone of the nation's largest communications networks. This project will continue to serve the residents and extended community throughout this portion of the county.

PROJECT DESCRIPTION

The existing facility consists of a 40' x 80' equipment compound with an 11' 5" Equipment Shelter and other interconnect equipment as depicted on the drawings. Along with that, the facility includes an existing 196' tall self-support lattice tower with AT&T's antennas at the top and two microwave dishes mounted lower on the tower. This application is only for the use and continued operation of the existing facility and does not include any alterations or modifications to the facility as it operates today.

CODE

An application for a Conditional Use Permit shall be reviewed, and approved, conditionally approved, or denied by the decision-making authority.



MMI Titan Inc.

The authority may approve or conditionally approve an application only if it finds all of the following:

1. The proposed use is consistent with the goals and policies of the adopted County General Plan.

This project is consistent with the Imperial County General Plan. Communication facilities are an integral part of the community. Wireless networks are the primary communication source for numerous federal, state, and local emergency service organizations. It is critical that these groups have the coverage and capacity in their wireless networks to meet their E911 and other needs. Wireless service acts as a backup for radio systems, connectivity for in-vehicle computers, and real-time cameras. These needs have become established and accepted as an integral part of the communications infrastructure, as these services promote public health, safety, comfort and general welfare.

2. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located.

The Existing site has been constructed and has met and continues to meet all of the conditions of approval. The facility has been in compliance with the standards and regulations for a facility of this type. The Existing site is located within the S-1 Zone and has been in operation since 2006 and is still an allowed use within this district. This site does not create any additional burden on the various Land Use components including transportation, utilities or other service facilities.

3. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.

The existing site has been in place and operational for the last fifteen years and is an approved use. This facility is located within the S-1 Zone. The facility is consistent with the surrounding uses. The site has met and exceeded the performance standards for the District and the Conditions imposed on the original and subsequent approvals issued by the county. There is no change or modification proposed for this facility.

4. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.



MMI Titan Inc.

This existing site complies with all Federal, State and Local laws and ordinances. This facility meets or exceeds all FCC and Federal limits where it applies to RF Emissions. The facility is registered with the FCC, FAA, CPUC and a number of other agencies.

5. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The FCC, in conjunction with numerous other agencies including the Environmental Protection Agency, the Food and Drug Administration and the Occupational Safety and Health Administration, has developed safety standards designed to protect against adverse health effects. The standards were developed by expert scientists and engineers after extensive review of the scientific literature related to RF biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below the safety limits. The proposed use does not violate any other law or ordinance.

6. The proposed use does not violate any other law or ordinance.

The facility is operating in full compliance with all laws and ordinances.

7. The proposed use is not granting a special privilege.

This is an existing facility that has been in operation for the last fifteen years and the granting of the extension will not create a special privilege.

This facility has, and if approved, will continue to benefit the community, people working in and travelling through this area. As noted above, this facility has been a tremendous backbone of communications and connectivity for this area and the network as a whole.

CONCLUSION

Crown Castle and their partner carriers endeavor to provide the most reliable communication networks in the nation. Crown Castle and AT&T's existing location in this area will continue to reinforce a tremendous public safety and emergency benefit to this community by using the least intrusive means to fill the need for coverage in this area. The facility will continue to serve the area by providing high speed data connectivity to meet the demands of residents, visitors, businesses and emergency responders alike.



MMI Titan Inc.

We look forward to working closely with the County's Planning Staff in the processing of this application. If there are any questions that we may address or information that is needed, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Robinson', with a long horizontal line extending to the right.

Justin Robinson
(714) 863-4366
Justin.robinson@mmi-titan.com

#9

111538.AMD

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT CERTAIN LAND SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

SECTION 23, TOWNSHIP 10 SOUTH, RANGE 21 EAST, S.B.M., ACCORDING TO THE OFFICIAL PLAT THEREOF.

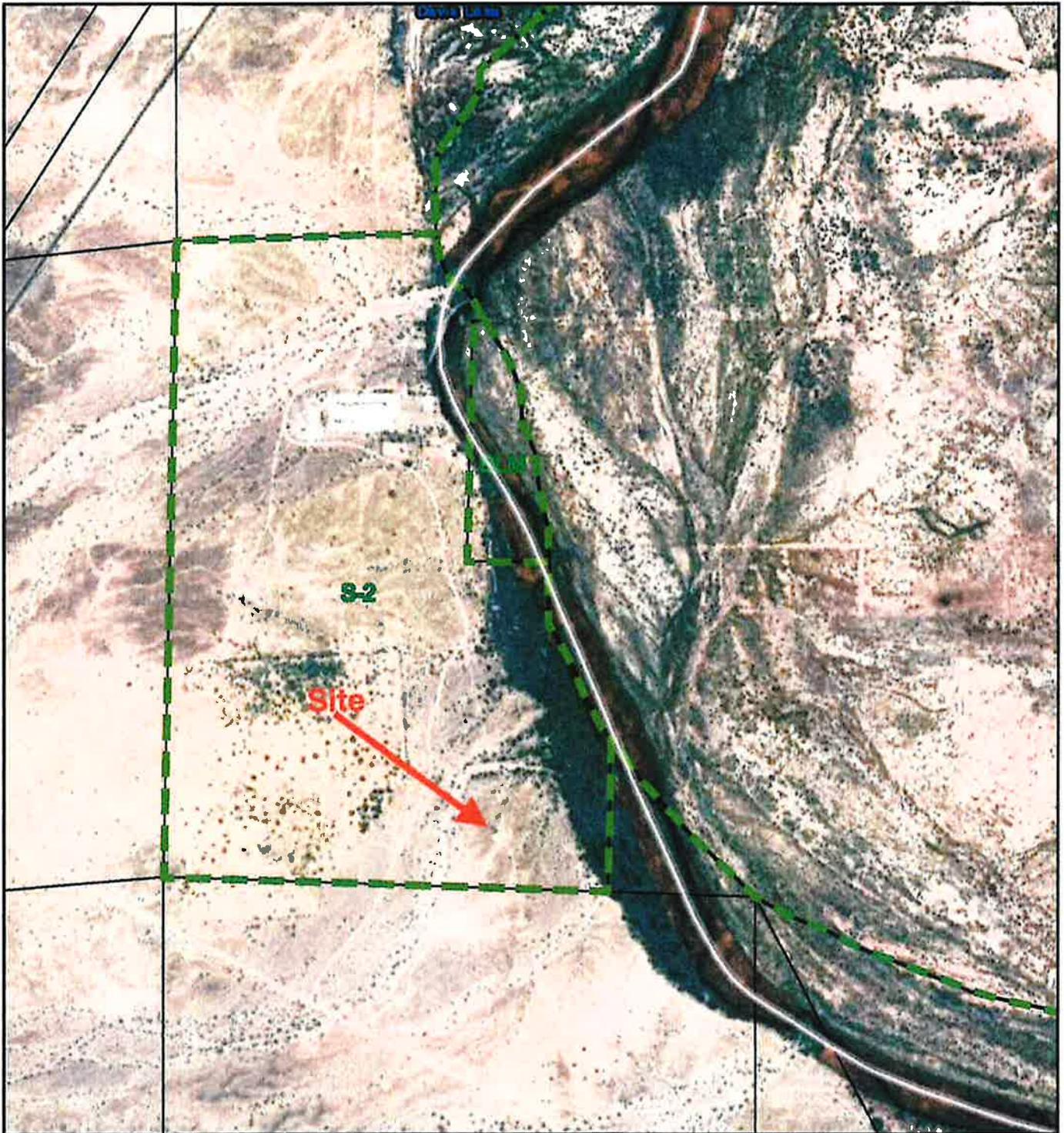
EXCEPTING THEREFROM, THE FOLLOWING PARCELS, AS GRANTED TO THE UNITED STATES OF AMERICA BY DEED RECORDED OCTOBER 19, 1978 IN BOOK 1423 PAGE 1774 OF OFFICIAL RECORDS.

ALL OF THAT PART OF THE FRACTIONAL NORTHEAST QUARTER OF SAID SECTION ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY APPROVED MARCH 21, 1857, AS THE SAME EXISTED ON MARCH 10, 1970, THE DATE OF THE LAST NATURAL POSITION OF THE COLORADO RIVER AND ANY ACCRETIONS THERETO, EXCEPTING THAT PORTION DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID FRACTIONAL NORTHEAST QUARTER, WHICH POINT BEARS NORTH 00° 05' 04" EAST, 2087.93 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE ALONG SAID WEST LINE NORTH 00° 05' 04" EAST, 172.80 FEET MORE OR LESS, TO A POINT ON THE RIGHT DESCENDING BANK OF THE COLORADO RIVER TO ITS LAST NATURAL POSITION ON MARCH 10, 1970; THENCE SOUTHEASTERLY ALONG SAID RIGHT DESCENDING BANK (GENERAL BEARING SOUTH 32° 17' EAST) APPROXIMATELY 125.39 FEET; THENCE CONTINUING ALONG SAID RIGHT DESCENDING BANK SOUTHEASTERLY (GENERAL BEARING SOUTH 22° 34' EAST) APPROXIMATELY 72.49 FEET; THENCE NORTH 89° 54' 56" WEST 95.06 FEET TO THE POINT OF BEGINNING.

ALL THAT PART OF THE FRACTIONAL SOUTHEAST QUARTER OF SAID SECTION ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY APPROVED MARCH 21, 1857, AND ANY ACCRETIONS THERETO, AS THE SAME EXISTED ON MARCH 10, 1970, THE DATE OF THE LAST NATURAL POSITION OF THE COLORADO RIVER. EXCEPTING THEREFROM THE THEORETICAL WEST HALF OF SAID SOUTHEAST QUARTER

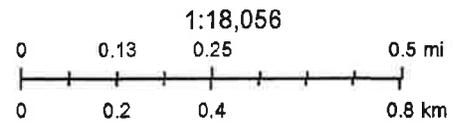
NOTE: SAID LAND LIES WITHIN THE BOUNDARIES OF THE IMPERIAL IRRIGATION DISTRICT

Crown Castle - Mitchells Camp

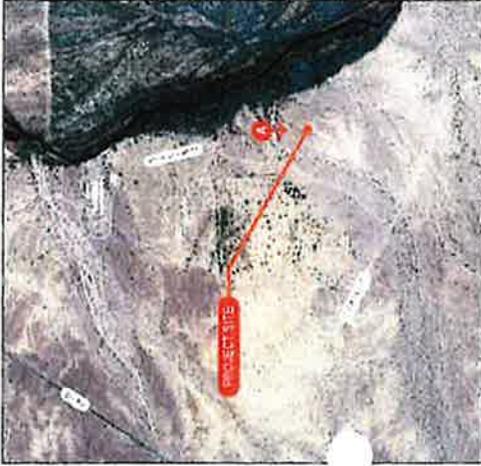


2/4/2021, 3:51:40 PM

-  Land Use Zoning
-  Assessor's Parcels

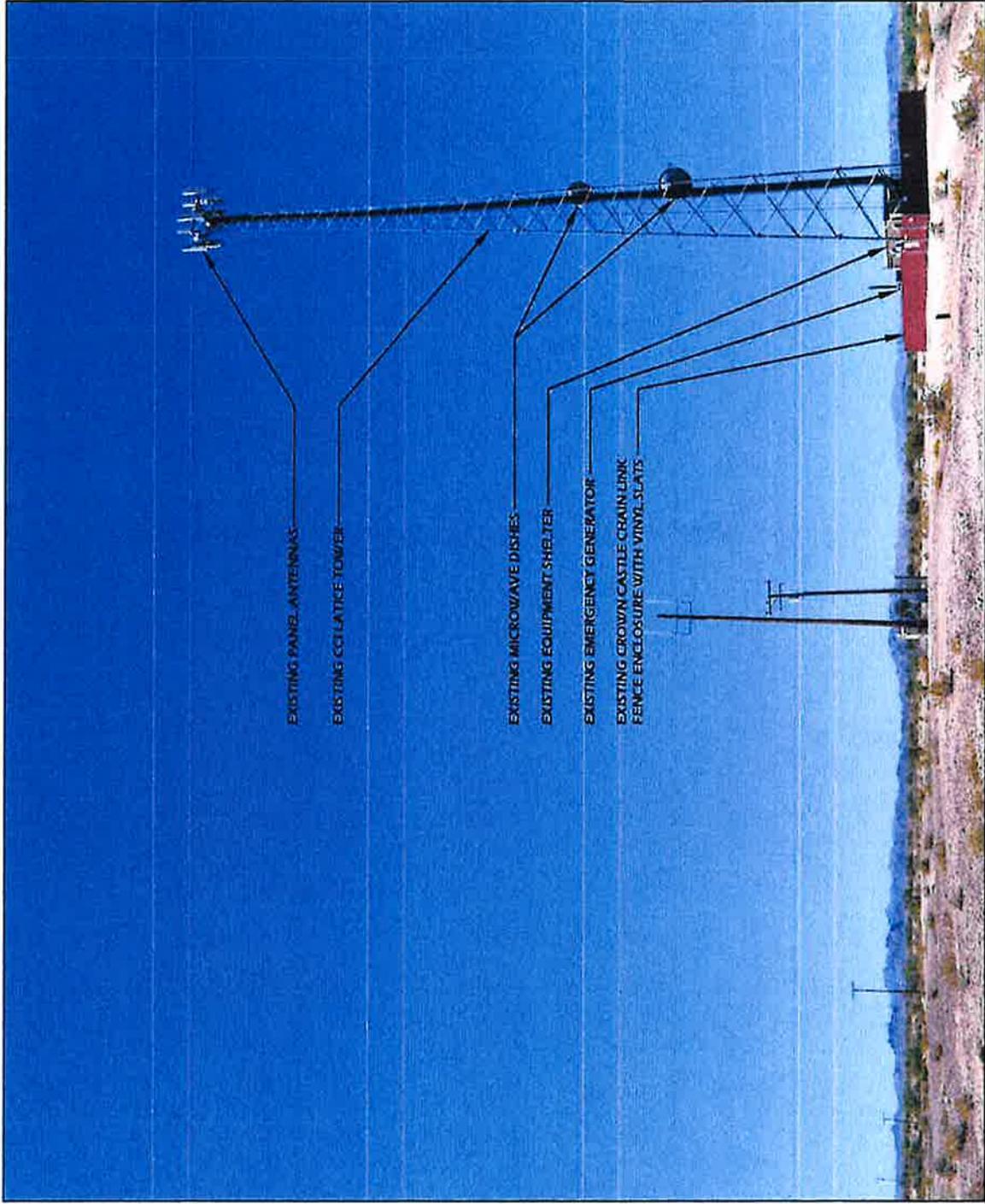


USDA FSA, GeoEye, Maxar, Esri, HERE, Garmin, iPC



COPYRIGHT: GOOGLE MAPS, 2020

 CROWN CASTLE	807498 MITCHELL CAMP FAMILY ASSOCIATION 87 MITCHELL CAMP ROAD PALO VERDE, CA 92366
	VIEW A
SHEET 1 / 4	



EXISTING PANE. ANTENNAS

EXISTING CELLULITE TOWER

EXISTING MICROWAVE DISHES

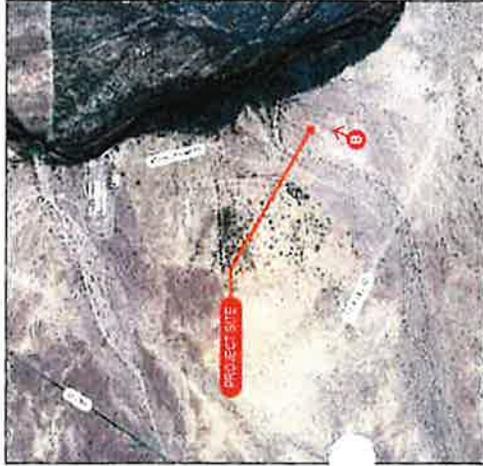
EXISTING EQUIPMENT SHELTER

EXISTING EMERGENCY GENERATOR

EXISTING CROWN CASTLE GAINLINK
FENCE ENCLOSURE WITH VINYL SLATS

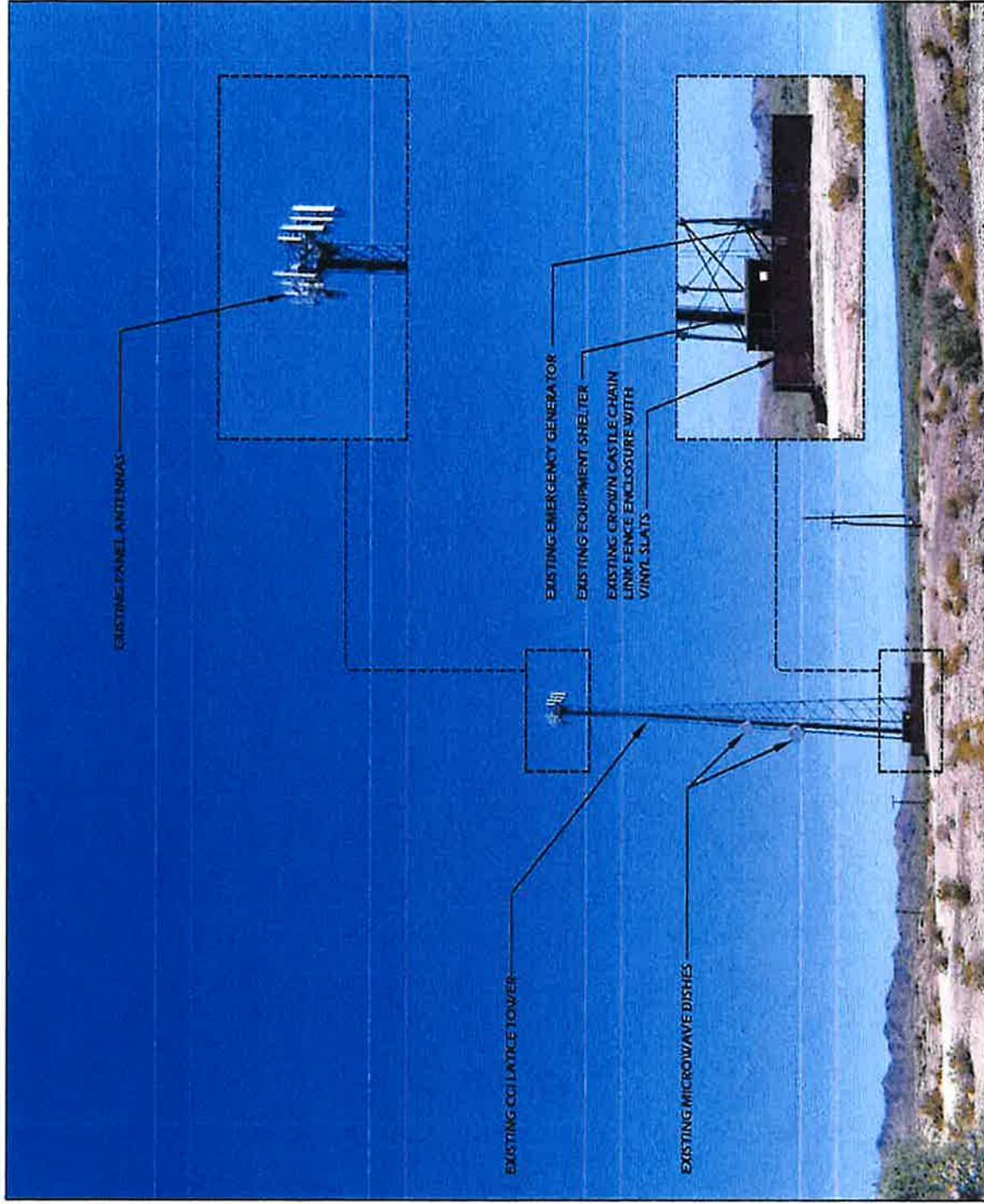
EXISTING (VIEW FROM NORTH)





COPYRIGHT: GOOGLE MAPS, 2020

 CROWN CASTLE	842498 MITCHELL CAMP FAMILY ASSOCIATION 87 MITCHELL CAMP ROAD PALO VERDE, CA 92266
	VIEW B
SHEET 2 / 4	



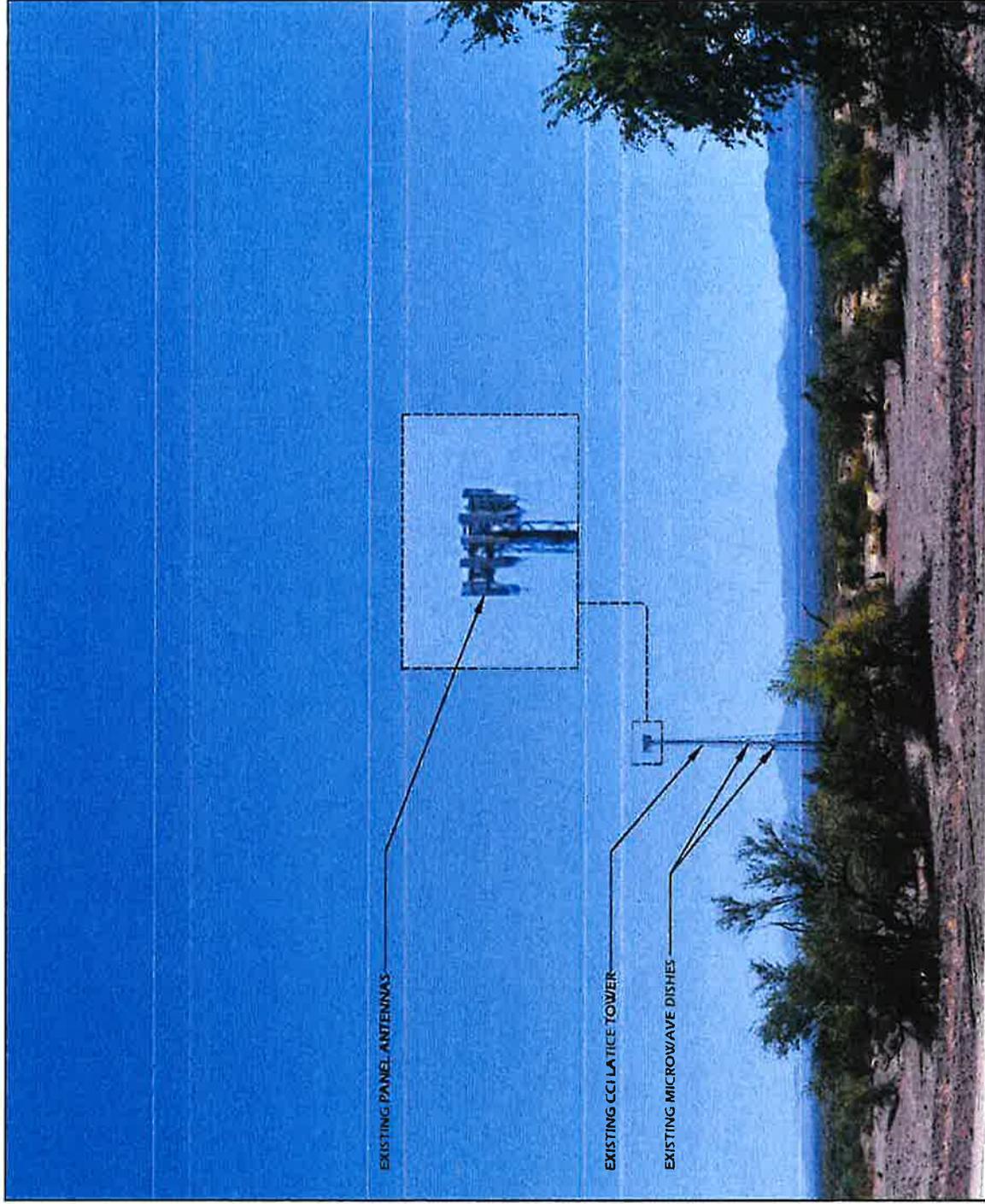
EXISTING (VIEW FROM SOUTH)





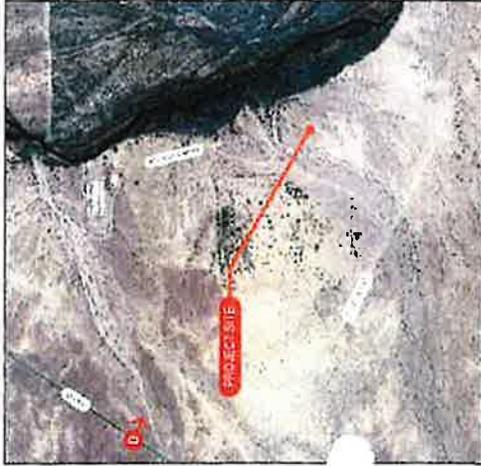
COPYRIGHT: GOOGLE MAPS, 2020

 <p>CROWN CASTLE</p>	<p>842498 MITCHELL CAMP FAMILY ASSOCIATION 87 MITCHELL CAMP ROAD PALO VERDE, CA 92266</p>
<p>VIEW</p>	<p>SHEET</p>
<p>C</p>	<p>3 / 4</p>



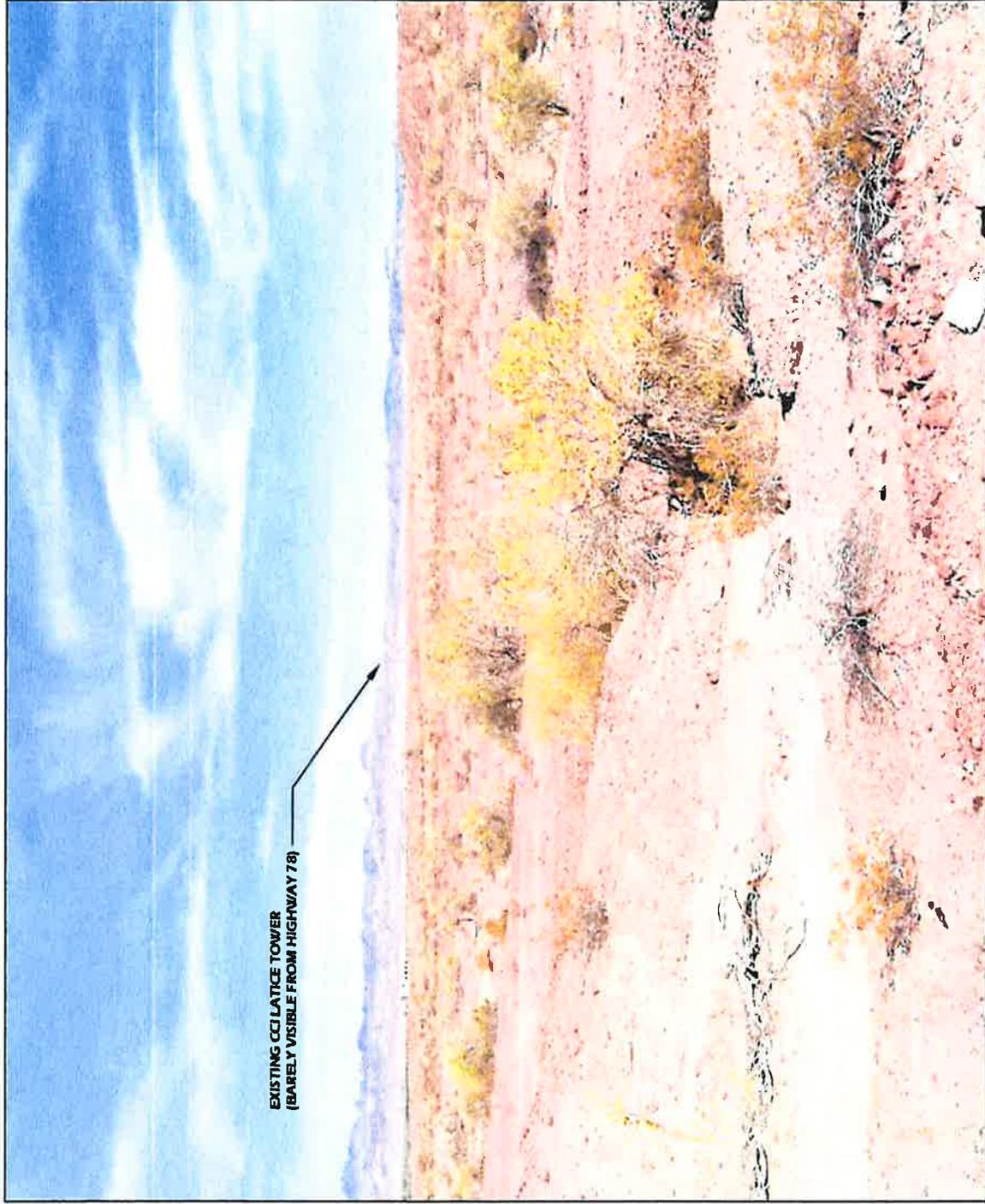
EXISTING (VIEW FROM SOUTHWEST)





COPYRIGHT: GOOGLE MAPS, 2020

 <p>CROWN CASTLE</p>	<p>842498 MITCHELL CAMP FAMILY ASSOCIATION 87 MITCHELL CAMP ROAD PALO VERDE, CA 92266</p>
<p>VIEW</p>	<p>SHEET</p>
<p>D</p>	<p>4 / 4</p>



EXISTING CCI LATTICE TOWER
(BARELY VISIBLE FROM HIGHWAY 78)

EXISTING (VIEW FROM NORTHWEST - HIGHWAY 78)





06/08/2021



06/08/2021



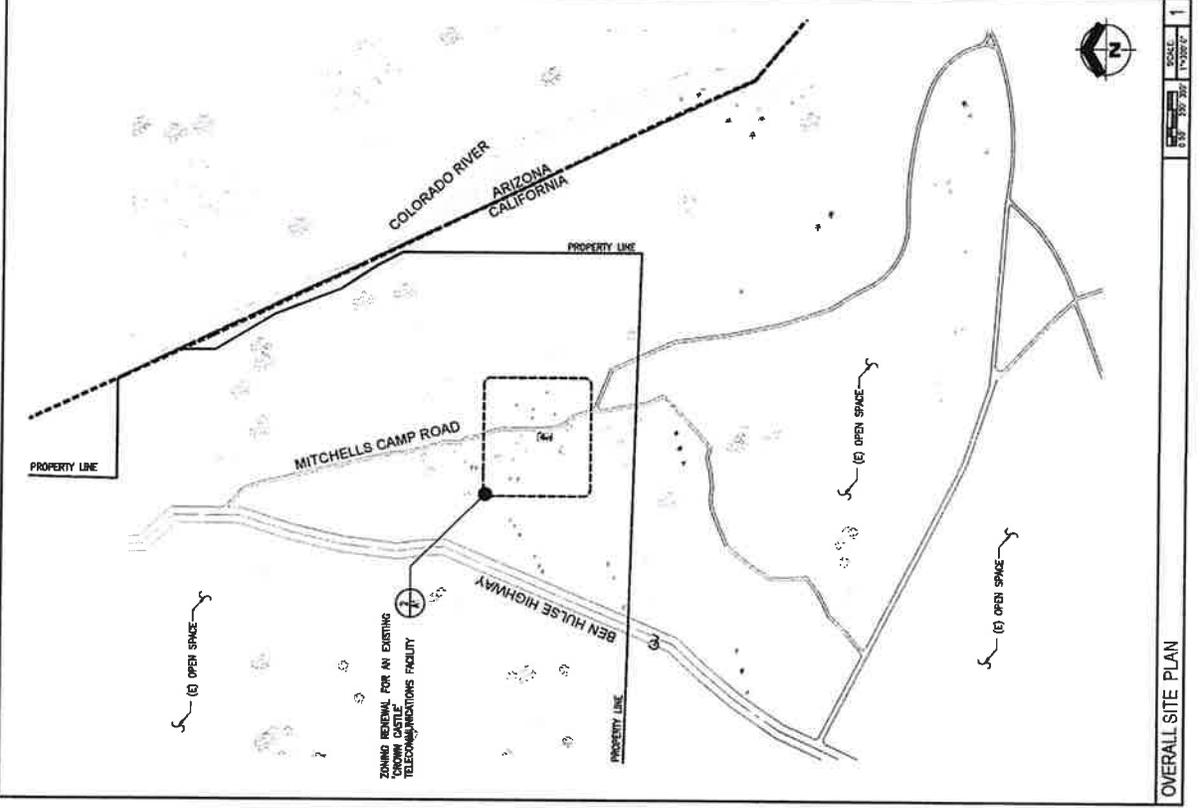
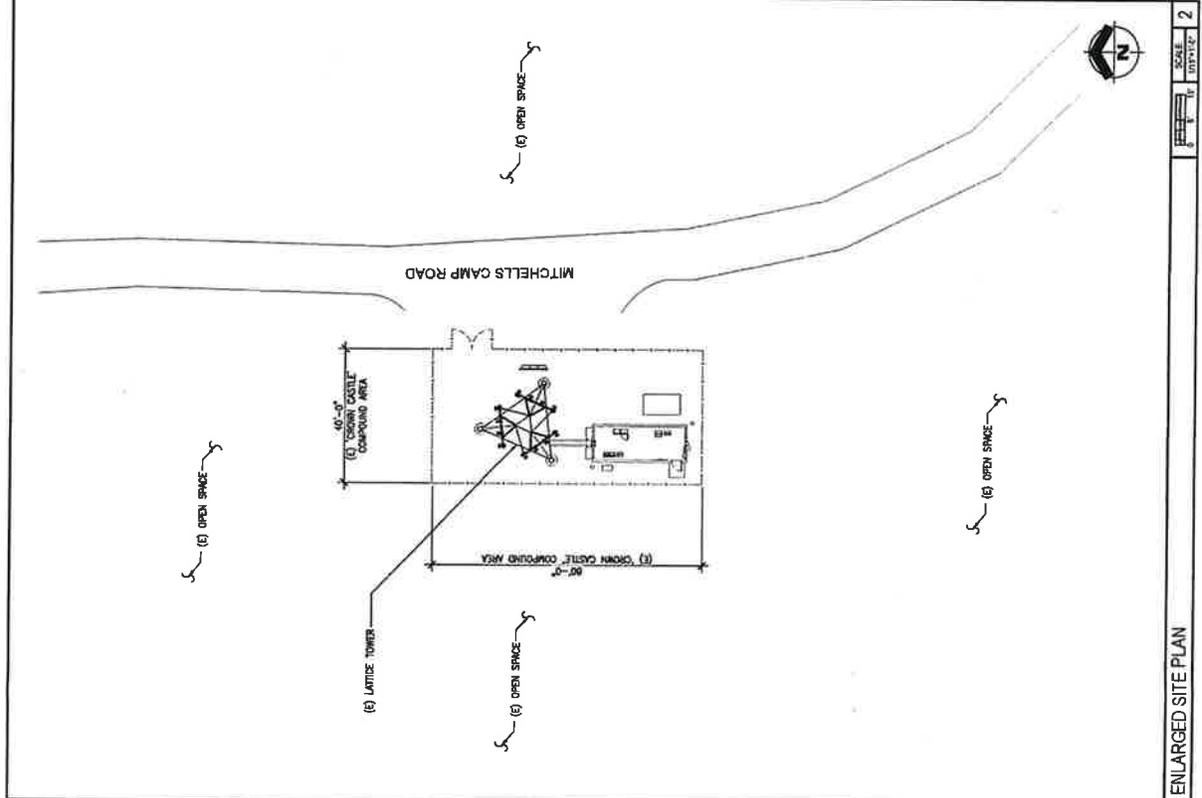
06/08/2021



06/08/2021



PROJECT: MITCHELL CAMP FAMILY ASSOCIATION 842498		 CROWN CASTLE	 DRAFTLINK	NO. REVISIONS: 15 DATE: 07/11/12
PROJECT ADDRESS: 87 MITCHELLS CAMP ROAD, PALO VERDE, CA 92288 IMPERIAL COUNTY, CALIFORNIA APLIC: 008-185-0038				DATE: 07/11/12
CLIENT:		DESIGNED BY:		DATE:
PROJECT NUMBER / COMPANY: OVERALL SITE PLAN AND ENLARGED SITE PLAN		DATE:		DATE:
SHEET NUMBER:		SCALE:		DATE:



OVERALL SITE PLAN 1 ENLARGED SITE PLAN 2

SCALE 1"=300'-0"

SCALE 1"=100'-0"

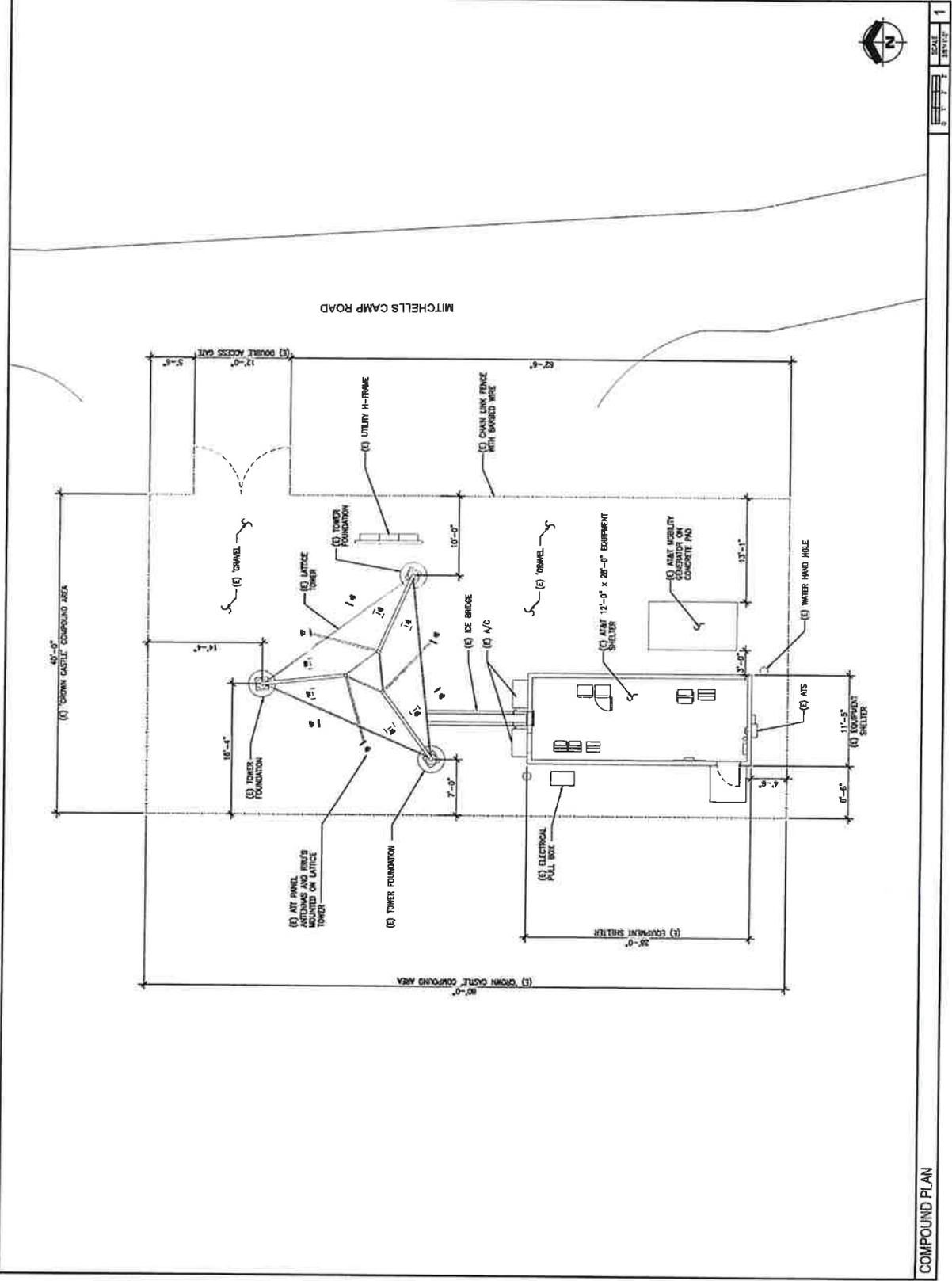
PROJECT: MITCHELL CAMP FAMILY ASSOCIATION 842498
 87 MITCHELLS CAMP ROAD, PALO VERDE, CA 92266
 IMPERIAL COUNTY, CALIFORNIA
 APN: 008-118-0038
 CLIENT:



REV	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	07/27/21
2	ISSUED FOR PERMITS	07/27/21
3	ISSUED FOR PERMITS	07/27/21
4	ISSUED FOR PERMITS	07/27/21
5	ISSUED FOR PERMITS	07/27/21
6	ISSUED FOR PERMITS	07/27/21
7	ISSUED FOR PERMITS	07/27/21
8	ISSUED FOR PERMITS	07/27/21
9	ISSUED FOR PERMITS	07/27/21
10	ISSUED FOR PERMITS	07/27/21

DATE: 07/27/21
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]
 PROJECT NO: 842498

A2



COMPOUND PLAN

SCALE: 1/8" = 1'-0"
 SHEET: 1

Attachment G: Comment Letters

Kimberly Noriega

From: Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>
Sent: Friday, February 26, 2021 1:05 PM
To: Kimberly Noriega; Jeanine Ramos
Subject: RE: CUP21-0004 AB 52 Letter

CAUTION: This email originated outside our organization; please use caution.

This email is to inform you that we have no comments on this project.

From: Kimberly Noriega [mailto:KimberlyNoriega@co.imperial.ca.us]
Sent: Friday, February 26, 2021 12:18 PM
To: Quechan Historic Preservation Officer; Quechan Indian Tribe
Cc: Michael Abraham; Jim Minnick; Jeanine Ramos; Carina Gomez; Gabriela Robb; John Robb; Maria Scoville; Rosa Soto; Valerie Grijalva
Subject: CUP21-0004 AB 52 Letter

Good morning,

Please find attached CUP21-0004 AB52 letter for formal notification of determination and notification of consultation opportunity.

Kind Regards,

Kimberly Noriega

Office Assistant III

Imperial County
Planning and Development Services
801 Main St.
El Centro, CA 92243
☎ Phone: (442) 265-1736
☎ Fax: (442) 265-1735



RECEIVED

FEB 26 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

Virus-free. www.avast.com



March 2, 2021

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

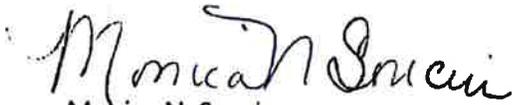
SUBJECT: Condition Use Permit (CUP) 21-0004—Mitchell Camp Tower

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Condition Use Permit (CUP) 21-0004 for the Mitchell Camp Telecommunications Tower ("Project"), allowing the continued operation of the existing Wireless Telecommunication Facility for a ten-year (10-year) term. CUPv#21-0004 supersedes CUP #05-0047 if approved. The Project is located at 87 Mitchell's Camp Road in Palo Verde, California, also identified at Assessor's Parcel Number (APN) 006-190-032.

Air District records indicate that the telecommunications tower specified at 87 Mitchells Rd has an owner of record as New Cingular Wireless PCS, LLC dba AT&T. Because Air District Rule 203 – Transfer, does not allow the transfer of a permit without fulfilling requirements, and as it seems, CUP 21-0004 indicates a new owner, Crown Castle; the Air District is requesting proof of sale and proof of ownership. Attached is a copy of the application that must be submitted to the Air District. Should you have questions please feel free to contact the Engineering Division of the Air District for assistance at (442) 265-1800.

Respectfully,


Monica N. Soucier
APC Division Manager

RECEIVED

MAR 02 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES



AIR POLLUTION CONTROL DISTRICT

150 S 9th Street
El Centro, CA 92243
P. 442.265.1800
F. 442.265.1799

APPLICATION FOR

- | | | |
|----------------------------------------------------|------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Authority to Construction | <input type="checkbox"/> Permit to Operate | <input type="checkbox"/> Emission Credit Banking |
| <input type="checkbox"/> New | <input type="checkbox"/> Transfer of Ownership | <input type="checkbox"/> Change of Permit Conditions |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Relocation | <input type="checkbox"/> Equipment Modification or Addition |
| | <input type="checkbox"/> Name change | |

PERMIT NUMBER (if any) _____

1. Name of Applicant _____
2. Responsible Person _____
3. Mailing Address _____
4. Title _____
5. City _____ State _____ Zip Code _____
6. Phone _____ Cell Phone _____
7. Type of Organization (Corp., Government, Individual, etc.) _____
8. Brief Description of Project/Activity _____
9. Location of Project/Activity _____
10. Property Owner _____
11. Person in Charge at Location _____
12. Title _____
13. Phone Number _____
14. Anticipated Date of Construction _____
15. Anticipated Life of Project _____
- Start _____ Completion _____
16. Estimated Emissions _____
- Uncontrolled lbs/day _____
- Controlled lbs/day _____
- For largest single pollutant _____
- Total for all emissions _____
17. Other Permits Have Been or Will be Obtained From: _____
18. Plot plans, flow charts, calculations, equipment description and other information required by "List and Criteria" attached.
19. The information previously submitted with _____ is still valid and no changes have been made except as shown on attachment.
20. Request for confidential handling of attached.
21. Total pages attached _____

"I am familiar with the Rules and Regulations of the Imperial County Air Pollution Control District and I certify that the operation of the plant and/or equipment which is subject to the application will comply with said Rules and Regulations."

_____ Date

_____ Signature of Responsible Person

OFFICE USE ONLY All payments must be made by Check or Money Order. Cash will not be accepted. An application fee of \$197.00 is due upon submission of an application for 2021, Thank you.	
Date application submitted: _____	Amount paid: _____
Received by: _____	Receipt Number: _____
Staff Comments:	

Kimberly Noriega

From: Monica Soucier
Sent: Tuesday, March 2, 2021 4:16 PM
To: Jeanine Ramos
Cc: ICPDSCCommentLetters; Curtis Blondell
Subject: Conditional Use Permit 21 0004 Mitchells Camp Family Association
Attachments: 20210302 ICAPCD Ltr Rspn to CUP 21 0004 Comm Tower Mitchells Camp.pdf; GenApp.pdf

Jeanine,

Thank you for taking my call. Attached is the response letter from the Air District.

Have a great day.



Monica N. Soucier

APC Division Manager
Planning and Monitoring
150 S 9th Street
El Centro, CA 92243
P. 442.265.1800
F. 442.265.1799

RECEIVED
MAR 02 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Kimberly Noriega

From: Victor Lujan <victor.lujan@pvid.org>
Sent: Thursday, March 4, 2021 3:34 PM
To: ICPDSCCommentLetters
Subject: Proposed Permit 21-2004

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside our organization; please use caution.

To whom it may concern,
Palo Verde Irrigation District in Blythe, Ca has no comment regarding Proposed Permit 21-2004. Please contact me at your convenience if further action is needed.

Regards,
Victor Lujan

CONFIDENTIALITY NOTICE: The information in this e-mail transmission, or any documents accompanying this email transmission, may contain confidential Business information that is legally protected by state and federal law. This e-mail message (and any attachments) is intended only for the personal and confidential use of the designated recipient's named above. If the reader of this message is not the intended recipient or any agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited

RECEIVED
MAR 04 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Kimberly Noriega

From: Margo Sanchez
Sent: Wednesday, March 10, 2021 2:43 PM
To: ICPDSCCommentLetters; Jeanine Ramos
Subject: RE: Request for Comments CUP21-0004

Good afternoon Ms. Ramos,

The Agricultural Commissioner's office has No Comment on CUP21-0004.

Please let me know if you have any questions.

Best regards,
Margo



Margo E. Sanchez
Deputy Agricultural Commissioner/Sealer
Imperial County
AgCom.ImperialCounty.org/
442.265.1500

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MAR 10 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>
Sent: Friday, February 26, 2021 1:04 PM
To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Ray Castillo <RayCastillo@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Carlos Yee <CarlosYee@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; Thomas Garcia <tgarcia@icso.org>; Donald Vargas - IID <DVargas@IID.com>; rleal@iid.com; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; pwwaterworks@yahoo.com; Ned Hyduke <ned.hyduke@pvid.org>; Sahagun, Carrie L <csahagun@blm.gov>; Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; joseph.mirelez@torresmartinez-nsn.gov; thomas.tortez@torresmartinez-nsn.gov; katy.sanchez@nahc.ca.gov; byronfrontier@yahoo.com
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Jeanine Ramos <JeanineRamos@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; Gabriela Robb <GabrielaRobb@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>
Subject: Request for Comments CUP21-0004

Good afternoon,

Please see attached Request for Comments Packet for Conditional Use Permit 21-0004.
Comments are due by **March 15, 2021 at 5:00 PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments Packet is being sent to you via this email.

Should you have any questions regarding this project, please feel free to contact Planner Jeanine Ramos at (442)265-1736 ext. 1750 or submit your comment letters to icpdscommentletters@co.imperial.ca.us

Thank you,

Kimberly Noriega

Office Assistant III

**Imperial County
Planning and Development Services**

801 Main St.

El Centro, CA 92243

☎ **Phone:** (442) 265-1736

☎ **Fax:** (442) 265-1735



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Valerie Grijalva

From: Andrew Loper
Sent: Monday, March 15, 2021 8:37 AM
To: Kimberly Noriega
Cc: Michael Abraham; Jeanine Ramos; Carina Gomez; Gabriela Robb; John Robb; Maria Scoville; Rosa Soto; Valerie Grijalva; Mark Schmidt; Robert Malek; Alfredo Estrada Jr
Subject: RE: Request for Comments CUP21-0004
Attachments: CUP21-0004 Request for Comments 02.26.21.pdf

Good Morning

This email is for requesting some additional time to comment on CUP21-0004 as requested by Mark Schmidt at IVECA. Mr. Schmidt was not on the original email and was forward the information and would like to request some additional time to comment on the CUP. Please let us know if this is possible thank you.

Thank You
Andrew Loper
Imperial County Fire Department
Lieutenant/Fire Prevention Specialist
2514 La Brucherie Road, Imperial CA 92251
Office: 442-265-3021
Cell: 760-604-1828



From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>
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Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Jeanine Ramos <JeanineRamos@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; Gabriela Robb <GabrielaRobb@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>
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Thank you,

Kimberly Noriega

Office Assistant III

Imperial County

Planning and Development Services

801 Main St.

El Centro, CA 92243

☎ Phone: (442) 265-1736

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Imperial Valley Emergency Communications
Communications Authority
2514 La Brucherie Road, Imperial, CA 92251
Voice: 442-265-6029



Imperial County Planning & Development Services
801 Main Street
El Centro, California 92243
Attention: Ms. Jeanine Ramos
March 24, 2021

Dear Ms. Ramos:

Thank you very much for the opportunity to review and comment on CUP #21-0004.

Mitchell's Camp Family Association is proposing to continue the operation of the existing Wireless Telecommunication Facility under CUP # 21-0004 for a ten-year (10-year) term. CUP #21-0004 would supersede CUP #05-0047. The project location is 87 Mitchell's Camp Road, Palo Verde, CA, APN 006-190-032-000.

The Imperial Valley Emergency Communications Authority (hereinafter, IVECA), is entrusted with the operation of the 800 MHz radio communication system which serves Imperial County Fire, Law Enforcement, and Emergency Medical Services.

Future IVECA or Imperial County communication needs could necessitate tower space on the existing tower and other related on-site infrastructure. The project's location is quite desirable for communication system enhancements. We therefore are respectfully requesting a continuation of a Local/Public Benefit Agreement with CUP # 21-0004. We are hopeful for new language favorable to IVECA for future communication system additions in perpetuity in said CUP. This would include, but not limited to, multiple antenna spaces, guaranteed antenna heights, and shelter space all at no cost to Imperial County or IVECA. It is obvious that the best interest of Imperial County, first responders, and the public at large are best served with the inclusion of a Local/Public Benefit Agreement.

Thank you in advance for your consideration of IVECA's request. Please contact me with any questions.

Sincerely,

Mark Schmidt
Imperial Valley Emergency Communications Authority (IVECA)
Emergency Communications Project Coordinator
markschmidt@co.imperial.ca.us
Cell: 442-283-1688

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MAR 29 2021

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