

RESOLUTION 98-26  
CONDITIONAL USE PERMIT 98-04

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT OF A COMMUNICATIONS FACILITY, TO INCLUDE A FREESTANDING 68-FOOT HIGH LATTICE ANTENNA STRUCTURE ALONG WITH THREE TIERS OF EQUIPMENT AND TWO EQUIPMENT SHELTERS, ON PROPERTY LOCATED IN A "H-S" ZONE.

WHEREAS, an application to the City of Norco, California, has been submitted for a Conditional Use Permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code, by COMSITES USA to allow a communications facility, with a 68-foot high lattice antenna structure, on property generally described as:

Parcel 2, as shown by Parcel Map 20453, on file in book 136, pages 80-84, of parcel maps, records of the County Recorder, Riverside County, State of California. .

More generally described as a rectangular-shaped area of about 121.55 acres, located approximately 4,000 feet south of Fifth Street and approximately 3,000 feet east of Hillside Avenue.

WHEREAS, said application for a conditional use permit, and related Variance 98-01, was noticed for public hearing in the manner and for times required by law; and

WHEREAS, at the time set, to wit; at 7:30 P.M. on the 12th day of August, 1998, within the Council Chambers at 2870 Clark Avenue, Norco, California, 91760, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project will not have a significant effect on the environment and that a Negative Declaration should be adopted.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

- A. The requested Conditional Use Permit will not adversely affect the General Plan or the public convenience or general welfare of persons residing or

working in the neighborhood thereof, by reason that the Norco General Plan designated the site as Hillside Area which is consistent with the "H-S" zone of the site. The nature of the proposed land use is permitted in the zone and subject to conditions. The use can be operated in a manner so as to be consistent with surrounding uses and will therefore not have any significant effects. The land use is passive, and will not create any noticeable traffic, noise, induce growth, or impact facilities in any way.

- B. The requested use will not adversely affect the adjoining land uses, and the growth and development of the area since the facility is proposed on a parcel with other existing communication facilities. The proposed improvements will not inhibit or induce growth or development on any of the adjacent properties. The proposed facility will not create any other environmental impacts to the adjacent properties. The land use, when operated in compliance with the conditions of approval will be compatible with surrounding properties and therefore will not have an adverse effect on adjoining properties.
- C. The site is comprised of a hill. The facility has been placed at this location to reduce any potential visual impact as well as providing more direct access for the intended users. The facility will be designed to allow for co-location, and the applicant has agreed to not unreasonably withhold permission for co-location. Further, the applicant has offered to provide location on the identified tower and pay necessary operation fees for the City of Norco and Radio Amateur Civil Emergency Service (R.A.C.E.S) to assist with community services
- D. This un-manned facility will not impact local streets and highways. The facility only requires site access for maintenance two or three times a month.
- E. Approval of this use is subject to the proposal complying with all applicable code requirements and approval of Variance 98-01.

## II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled this 12th day of August, 1998, that the aforesaid application for a conditional use permit is granted, subject to the conditions provided in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. This stipulation is entered into by and between ComSites USA Inc. ("ComSites") and its successors, and the City of Norco. ComSites hereby understands and agrees that the City of Norco's site requirements take precedence over all other ComSites customers at the Norco Hills site. ComSites hereby agrees to provide the City of Norco with each stipulation listed below continually at **NO FEE** to the City of Norco.

2. The applicant shall provide all necessary building space for three (3) repeaters and any linking transceivers (ie: 3 standard electronics cabinets, 2' x 2' x 7' each)
3. The applicant shall provide all necessary tower space for six (6) antennas and coax.
4. The applicant shall provide all necessary electrical power.
  - a.) To be paid for by ComSites continually.
5. The applicant shall provide the City of Norco access to at least three (3) telephone lines in the building.
6. ComSites shall provide to Norco at least 3 keys, plus any alarm codes for 24-hour per day, 7-day a week access.
7. If stand-by power (ie: generator, batteries, solar, etc.) is ever installed at the site, ComSites agrees to make it available to Norco.
8. If in the future, ComSites wishes to abandon the Norco Hills site, ComSites agrees to sign over all rights to the tower, building (or buildings), and any lease agreement on the property to the City of Norco.
9. Approval is based on Exhibit "B", and "C" dated August 4, 1998 and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.
10. The recorded owner of the property shall submit to the Planning Department, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
11. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures, shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
12. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four (4) copies of the approved plan (revised to incorporate conditions for approval) to the Planning Department for record purposes for approval of any grading and/or building permits.
13. The subject use shall be conducted in accordance with the approved plans and stipulations, on file in the Norco Planning Department.
14. The developer shall submit for necessary permits from the Building Department and pay all applicable City of Norco development fees prior to issuance of any permits.

15. The applicant shall paint the free-standing antenna a light brown, or beige, to blend in with the natural hillside.
16. Chain link fencing, with restricted access, shall be installed around the site.
17. This approval permits a communications facility, consisting of a single lattice antenna structure and three tiers of antennas and two equipment shelters. The height of the antenna shall not exceed 50 feet, unless a variance is approved for a height exceeding 50 feet.
18. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any person who is exercising managerial authority of the business establishment has:
  - A. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the Conditional Use Permit; or
  - B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.

The applicant shall design the facility for co-location purposes and shall not withhold any reasonable request for co-location on the communications antenna in the future. Any future modification to this approval, created from co-location, shall require the submittal and approval of an amendment to this permit.

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APPROVED AND ADOPTED this 12th day of August, 1998.

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Chairman  
Planning Commission  
City of Norco, California

ATTEST:

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James E. Daniels, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on the 12th day of August, 1998, by the following roll call vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

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James E. Daniels, Secretary  
Planning Commission