

RESOLUTION 2025-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, APPROVING OF A CONDITIONAL USE PERMIT FOR A 185' HIGH WIRELESS COMMUNICATIONS FACILITY TOWER AND ASSOCIATED EQUIPMENT WITHIN A 50'x50' ENCLOSED LEASE AREA LOCATED SOUTH OF NATIONAL OLD TRAILS HIGHWAY, NORTH OF I-40, NEEDLES CALIFORNIA, WITHIN THE HIGHWAY COMMERCIAL (C-3) LAND USE ZONING DESIGNATION, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NUMBER (APN) 0660-162-07-0000

WHEREAS, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety, and welfare or degrade property values or create incompatibility with surrounding uses; and

WHEREAS, applicant Jeremy Siegel, on behalf of APC Towers, submitted an application requesting approval of a Conditional Use Permit to allow a 185' high wireless communications facility in a C-3, Highway Commercial zone, at Assessor's Parcel Number (APN) 0660-162-07-0000, located south of National Old Trails Highway, north of I-40, in the Highway Commercial (C-3) land use zoning designation; and

WHEREAS, Section 96.01 (Table of Permissible Uses) and Section 99.09.05 (Telecommunications Towers) of the Needles Municipal Code allows towers in excess of 50' high with masking, in a C-3, Highway Commercial Zone, subject to the approval of a Conditional Use Permit; and

WHEREAS, Section 94.06 of the Needles Municipal City Code specifies the criteria by which a Conditional Use Permit may be granted; and

WHEREAS, a public hearing notice for the March 25, 2025 City Council meeting was published in the Needles Desert Star on February 19, 2025, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

WHEREAS, on March 5, 2025, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the Conditional Use Permit **RESOLUTION NO. 03-05-2025-PC** and was commended for approval unanimously; and

WHEREAS, on March 25, 2025, the Needles City Council held a duly noticed and advertised public hearing for approval of City Council RESOLUTION 2025-16 approving a Conditional Use Permit to allow a 185' high wireless communications facility in a C-3, Highway Commercial zone, at Assessor's Parcel Number (APN) 0660-162-07-0000, located south of National Old Trails Highway, north of I-40, in the Highway Commercial (C-3) land use zoning designation; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that the proposed project qualifies for a Categorical Exemption under the California Environmental Quality Act, CEQA Guidelines, Section 15303, (new construction or conversion of small structures) of Title 14 of the California Code of Regulations (State CEQA Guidelines). The project consists of a Conditional Use Permit for the construction of 185-foot wireless telecommunication tower (monopole) and associated equipment within a 50' x 50' enclosed lease area. Therefore, the proposed project qualifies for this exemption and no further environmental review is required.

SECTION 2. The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve **RESOLUTION 2025-16**, subject to conditions, according to the criteria specified in Section 94.06 of the Needles City Code:

- A. *That the requested permit is within its jurisdiction according to the table of permissible uses.*

FINDING: The project site is zoned Highway Commercial (C-3) and cell towers over 50' are permitted in the C-3 zone with a Conditional Use Permit (CUP) by the City Council.

- B. *The Application is Complete.*

FINDING: A dimensioned site plan, application and fees were submitted to the city to demonstrate the project meets the criteria of the Needles City Code.

- C. *The development will not materially endanger the public health or safety.*

FINDING: The project site is located in a commercially developed rural area of the City. Conditions of approval have been placed on the project for appropriate lighting and fencing to be in place for health and safety purposes. Additionally, the project is required to have engineered drawings and building permits which will ensure that health and safety requirements are satisfied per the International Building Code. The project is required to maintain compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations in addition to applicable building codes, zoning codes, fire codes, and standards, ensuring a safe, well-designed, and visually appropriate development. Therefore, the proposed project will not endanger life or property in the surrounding area.

- D. *The development is in general conformity with the Needles General Plan.*

FINDING: The General Plan designation is "Highway Commercial" and is consistent with the goals and objectives of the General Plan. The Highway Commercial Land Use designation permits the proposed use and Policy LU-1.3 warrants new development fits well with the surrounding area by managing its location, size, and design to reduce negative impacts.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve RESOLUTION 2025-16.

SECTION 4. The City Council HEREBY APPROVES **RESOLUTION 2025-16**, approving a Conditional Use Permit, to allow for a 185' high wireless communications facility in a C-3, Highway Commercial zone, at Assessor's Parcel Number (APN) 0660-162-07-0000, located south of National Old Trails Highway, north of I-40, in the Highway Commercial (C-3) land use zoning designation, subject to conditions stated herein below:

1. Applicant must comply with all requirements of Federal, State and local government regarding licensing and environmental requirements.
2. The project shall meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).
3. The tower shall meet the design standards submitted with the application, identified as Attachment "2", dated with a revision date of 11-11-2024.
4. The property owner and owner of the tower shall maintain it in good condition. Such maintenance shall include, but not limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, etc.

5. The property owner and owner of the tower shall agree that the city and its appointed representative(s) may enter the subject property to obtain RFR and or noise measurements, and to perform maintenance and safety inspections at the expense of the carrier. In the case of taking RFR and or noise measurements, the municipality may enter without any advance notice to either the tower owner or the property owner. In all other cases, the City shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the municipal representatives when the inspections are conducted.
6. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
7. Applicant shall mark the cell tower structure with tower lights that meet FAA requirements. Lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The lighting options may directly impact tower finish requirements.
8. No signs or advertising shall be allowed on an antenna or tower.
9. A wireless communications facility shall not interfere with television or radio reception on surrounding properties
10. Tower shall be enclosed by security fencing at eight (8) feet in height. The towers shall also be equipped with appropriate anti-climbing devices.
11. Any tower that is not utilized for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned tower within the ninety (90) days shall be grounds for the city to proceed under applicable law to remove the tower or antenna at the owner's expense.
12. Lessee agrees to indemnify, defend and hold the City, its agents and employees harmless from any and all claim for damage, loss or injury arising from and/or related to the use or occupation of the Premises by Lessee or by the party claiming to be injured. Lessee furthermore agrees to reimburse the City for any and all expenses the City might incur as a result of any claim for damage, loss or injury including reasonable attorneys' fees, administrative fees, etc., which are incurred as a direct result of any legal action brought against the City related to the performance of this Lease.
13. Any violation of these conditions can automatically result in cancellation of this Conditional Use Permit.
14. Prior to building permit issuance, plans submitted shall be signed by a California-licensed engineer with structural calculations.
15. Applicant is required to hold a valid City of Needles business license at all times.
16. Applicant must meet all conditions imposed by the San Bernardino County Fire Dept, prior to issuance of Building Permits.
17. The project shall comply with all applicable provisions, regulations, and development standards of the City of Needles Municipal Code.
18. Prior to the construction of any modifications, all structural and aesthetic changes to project design must be requested and approved in writing by the Director of Development Services or as assigned.
19. The project shall only store the necessary equipment to construct and operate onsite.

20. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of the final building plans prior to the issuance of any building permits.
21. The property owner and/or applicant shall pay any fees due to the Needles Public Utility Authority (NPUA) for new electrical services required to support the project.

SECTION 5. This action shall become final and effective fifteen (15) days after the decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 25th day of March 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janet Jernigan, Mayor

(SEAL)

ATTEST: _____
Candace Clark, Interim City Clerk

APPROVED AS TO FORM:

City Attorney