

**RESOLUTION NO. 01-03-2024-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEEDLES, CALIFORNIA,  
APPROVING A SPECIAL USE PERMIT FOR A 160' HIGH WIRELESS COMMUNICATIONS FACILITY  
TOWER IN THE C-3, HIGHWAY COMMERCIAL ZONE, AT ASSESSOR'S PARCEL NUMBER 0660-162-  
07-0000, LOCATED ON NATIONAL OLD TRAILS HIGHWAY, NORTH OF I-40, IN  
THE VICINITY OF SPIKES OLD 66 STORAGE AND RV SITE**

**WHEREAS**, Jeremy Siegel, applicant, is requesting approval of a Special Use Permit to allow a 160' high cell tower in a C-3, Highway Commercial zone, at Assessor's Parcel Number 0660-162-07-0000, located on National old Trails Highway, North of I-40, in the vicinity of Spikes Old 66 Storage and RV site; and

**WHEREAS**, Section 96.01 of the needles City Code allows towers in excess of 50' high with masking, in a C-3, Highway Commercial Zone, subject to the approval of a Special Use Permit; and

**WHEREAS**, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on December 20, 2023, 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 January 3, 2024, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 01-03-2024-PC**; and

**WHEREAS**, Section 94.07(d) of the Needles City Code describes the findings required to approve a Special Use Permit; and

**WHEREAS**, the Needles Planning Commission 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 Planning Commission of the City of Needles as follows:

**SECTION 1.** The Planning Commission HEREBY FINDS AND DETERMINES that this project is categorically exempt 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 Special Use Permit (SUP) to construct and operate a wireless communications facility tower that includes a 160' high tower and a 50'x50' area for equipment cabinets. The area is not considered environmentally sensitive. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that granting a Special Use Permit (SUP) for this project will have a significant effect on the environment. Therefore, the proposed project qualifies for this exemption and no further environmental review is required.

**SECTION 2.** The Planning Commission HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Special Use Permit, according to the criteria specified in Section 94.07(d) 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 Special Use Permit (SUP) and masking.

- B. *The Application is Complete.*

**FINDING:** The applicant has submitted a complete application and fees and has provided the required Site Plan for the proposed wireless communications tower facility project.

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

**FINDING:** The proposed transmission tower facility complies with the General Plan and development standards for site design, safety design, location, lighting, etc.

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

**FINDING:** The project site is located in a commercially developed (C-3) 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.

- E. *That the project overall is consistent with the preceding findings*

**FINDING:** With findings as discussed above in regard to proposed project detail and with conditions of approval applied to the project in order to satisfy finding criteria, the proposed project is consistent with the preceding findings.

**SECTION 3.** The Planning Commission HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 01-03-2024-PC**.

**SECTION 4.** The Planning Commission HEREBY APPROVES **Resolution 01-03-2024-PC**, approving a Special Use Permit for a 160' wireless communications facility tower in the C-3, Highway Commercial Zone, at Assessor's Parcel Number 0660-162-07-0000, located on National Old Trails Highway, North of I-40, in the vicinity of Spikes Old 66 Storage and RV site with the following conditions:

1. Applicant must comply with all requirements of Federal, State and local government regarding licensing and environmental requirements.
2. The tower shall meet or exceed current standards and regulations of the FCC, FAA and other applicable agencies.

3. The tower shall meet the design standards submitted with the application, identified as Exhibit "A", dated with a revision date of 11-06-2023.
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. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the 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. Towers 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 the 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 Special Use Permit.
14. Plans to be signed by a California-licensed engineer with structural calculations.
15. Applicant is required to hold a valid and current 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.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Planning Commission of the City of Needles, California, held on the 3<sup>rd</sup> day of January, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Chairperson  
Needles Planning Commission

---

Kathy Raasch  
Interim Development Services Director