



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH ST • UKIAH • CALIFORNIA • 95482

120 WEST FIR ST • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR

TELEPHONE: 707-234-6650

FAX: 707-463-5709

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pbs@mendocinocounty.org

www.mendocinocounty.org/pbs

June 29, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, July 16, 2020 at 9:00 a.m. will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

CASE#: UM_2019-0002

DATE FILED: 5/30/2019

OWNER: ANNE FASHAUER

APPLICANT: AT&T MOBILITY

AGENT: LANDMARK CONSULTING/KAREN LIENERT

REQUEST: Use Permit Modification to U_2013-0004 to expand the existing 1,600 sq. ft. equipment lease area by 375 sq. ft. to accommodate new ground based equipment for associated cell tower equipment additions on an already existing 120 ft. tall lattice type cellular antenna tower. Cell tower equipment additions include one GPS unit, twelve panel antennas, thirteen proposed and six future Remote Radio Units (RRUs), four surge suppressors, additional six foot high fencing around the new equipment area and a 30 kw electrical generator with a 190 gallon belly tank for emergency power needs.

LOCATION: 4± miles northwest of Philo town center, lying on the north side of Philo Greenwood Road (CR 132), 0.1± mile east of its intersection with Signal Ridge Road (CR 133), located at 21600 Philo Greenwood Rd., Philo; (APN: 026-600-35).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: Keith Gronendyke

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by July 15, 2020 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee

prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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June 24, 2020

TO: Anderson Valley Advertiser
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on July 1, 2020 in the Legal Notices Section of the Anderson Valley Advertiser.

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ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: Keith Gronendyke

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BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- USE PERMIT MODIFICATION**

**JULY 16, 2020
UM_2019-0002**

SUMMARY

OWNER: ANNE FASHAUER
21600 PHILO GREENWOOD ROAD
PHILO CA 95466

APPLICANT: AT&T MOBILITY
5001 EXECUTIVE PARKWAY
SAN RAMON CA 94583

AGENT: EPIC WIRELESS LLC/KAREN LIENHERT
605 COOLIDGE DRIVE SUITE 100
FOLSOM CA 95630

REQUEST: Use Permit Modification to U_2013-0004 to expand the existing 1,600 sq. ft. equipment lease area by 375 sq. ft. to accommodate new ground based equipment for associated cell tower equipment additions on an already existing 120 ft. tall lattice type cellular antenna tower. Cell tower equipment additions include one GPS unit, twelve panel antennas, thirteen proposed and six future Remote Radio Units (RRUs), four surge suppressors, additional six foot high fencing around the new equipment area and a 30 kw electrical generator with a 190 gallon belly tank for emergency power needs.

LOCATION: 4± miles northwest of Philo town center, lying on the north side of Philo Greenwood Road (CR 132), 0.1± mile east of its intersection with Signal Ridge Road (CR 133), located at 21600 Philo Greenwood Rd., Philo; (APN: 026-600-35).

TOTAL ACREAGE: 1,975 square feet of leased area on 174± Acre parcel

GENERAL PLAN: Forest Land, Minimum 160 acres (FL160)

ZONING: Division I: Timber Production, Minimum 160 acres (TP: 160)

SUPERVISORIAL DISTRICT: 5th District (Williams)

ENVIRONMENTAL DETERMINATION: Categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1) Existing facilities where additions to existing facilities are less than fifty percent of the floor area. In this case the total lease area is 1,600 square feet, while the addition is 375 square feet in size, which is approximately a twenty-three percent increase in size

DETERMINATION: Approve with Conditions

STAFF PLANNER: KEITH GRONENDYKE

BACKGROUND

PROJECT DESCRIPTION: Use Permit Modification to U_2013-0004 to expand the existing 1,600 sq. ft. equipment lease area by 375 sq. ft. to accommodate new ground based equipment for associated cell tower equipment additions on an existing 120 ft. tall lattice type cellular antenna tower. Cell tower equipment additions include one GPS unit, twelve panel antennas, thirteen proposed and six future Remote Radio Units (RRUs), four surge suppressors, additional six foot high chain link fencing around the new equipment area and a 30 kw electrical generator with a 190 gallon diesel fuel belly tank for emergency power needs. The extra lease area is needed because Verizon, the original tower owner does not have lease rights to lease additional space within their lease compound, which necessitates that AT&T negotiate directly with the property owner for additional space.

No vegetation or trees are proposed to be removed. Aside from monthly visits for routine maintenance, the site will remain unmanned.

SITE CHARACTERISTICS: The facility has an existing 1,600 square foot leased area within an approximately 174.30 acre property. The leased area is relatively flat and is located in an open clearing surrounded by forestlands. The forested area adjacent to the leased area is dominated by tan oak, California madrone, young redwoods and Douglas fir. Existing use on the property include multiple single-family residences and a commercial rock quarry.

The existing 120 foot tall lattice tower facility was approved (Use Permit U_2013-0004) by the Planning Commission at a public hearing on May 21, 2015. It authorized construction of a wireless communication facility within a 40 foot by 40 foot (1,600 square feet) leased area. The existing facility consists of a 120 foot tall lattice tower supporting twelve panel antennas and one microwave dish antenna. Panel antennas are mounted on the tower at approximately 116 feet above ground level extending flush with the top of the tower, and the microwave dish is mounted at 95 feet above ground level. An existing 192 square foot equipment shelter and 48 kilowatt diesel generator with fuel tank are installed within the lease area to support the facility. The new antennas and appurtenant equipment are proposed to be attached at the 105 foot level of the tower, while the ground based support equipment would be placed in the new lease area.

RELATED APPLICATIONS:

- **Use Permit U 19-2003** was approved by the Planning Commission on July 15, 2004 permitting the operation of a rock quarry including processing (crushing and screening) and the extraction of an average of 10,000 cubic yards of material per year for 20 years, with a one-year maximum of 15,000 cubic yards, for a maximum of 200,000 cubic yards total.
- **Use Permit U_2013-0004** was approved on May 21, 2015 and authorized the construction and operation of a wireless communication facility consisting of an 120 foot tall lattice tower, 12 panel antennas, 1 microwave dish, auxiliary equipment as well as ground based equipment including a diesel generator with a fuel storage tank and a 192 square foot equipment shelter.

SURROUNDING LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Forestland (FL 160)	Timber Production (TP 160)	68± to 74± acres	Single Family and Vacant
EAST	Forestland (FL 160)	Timber Production (TP 160)	25± acres	Single Family
SOUTH	Forestland (FL 160) and Rangeland (RL 160)	Forestland (FL 160) and Rangeland (RL 160)	82±, 36± and 7± acres	Single Family
WEST	Forestland (FL 160)	Timber Production (TP 160)	28± acres and 6± acres	Single family and Vacant

PUBLIC SERVICES:

Access: PRIVATE ROAD CONNECTING TO PHILO-GREENWOOD ROAD (CR 132)
Fire District: ANDERSON VALLEY AND CALFIRE
Water District: NONE
Sewer District: NONE
School District: ANDERSON VALLEY UNIFIED SCHOOL DISTRICT

REFERRAL AGENCY COMMENTS: On July 25, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health- Ukiah	Comments
Assessor	No Response
Air Quality Management District	No Comment
Sonoma State University	Comments
CalFire (Land Use)	No Comment
CA Department of Fish and Wildlife	Comments
Anderson Valley Community Services District	No Response
Sherwood Valley Band of Pomo Indians	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	Comments
Forestry Advisor	No Comment
Resource Lands Protection	No Response
Building Department-Ukiah	No Comment

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The proposed project site is in conformity with the General Plan designation, which is classified as Forest Land (FL 160). As a 'General Use', the Forest Land land use designation allows for utility installations, such as Wireless Communication Facilities. Per Planning Principal 2-2b, this modification request is consistent with the County's goal to *"Promote telecommunications and information technology by supporting expanded opportunities for affordable high speed internet service to all areas of the county"*.

Section 20.196.045 Application for Modification of the Mendocino County Zoning Ordinance stipulates that a use permit modification application shall be applied for if:

- (1) *"A change to the conditions or terms is requested or anticipated."*
- (2) *"A change of use of the property is proposed which was not identified on the approved use permit."*

As the modification is to expand the original lease area by 375 feet and add additional equipment to the tower and to the base of the tower, this could be construed to be included in 20.196.045 (A) (1) and (2) because additional conditions of approval are required to be added and the modification is a change of intensity of use which was not identified in the original use permit (U_2013-0004).

The project site is located within the TP 160 Zoning District, which has setback requirements of 50 feet from any property line. The subject property is 174± acres in size with the nearest property line to be project site being a distance of approximately 410 feet to the south. As such, this modification is in conformance with 20.068.045 and 20.068.50 of the Mendocino County Zoning Ordinance.

2. **Endangered Species:** In the previous report for the original tower, that examined the potential impacts to endangered species, Northern Spotted Owl habitat was noted as occurring approximately one-quarter mile away from the tower site. At that time, U.S. Fish and Wildlife Services staff determined that the project would not adversely affect the species. With this small addition (375 square feet) to the ground lease area and the additional tower based equipment, the same conclusion would apply with this application.
3. **Archaeological Resources:** Comments received from the Northwest Information Center at Sonoma State recommended that a qualified archaeologist conduct archival and field study to identify cultural and archaeological resources. In response, the applicant submitted a Cultural Resources Investigation prepared by Archaeological Resources Technology (ART). On January 8, 2020, the Mendocino County Archaeological Commission accepted the study and its findings, but recommended that an archaeologist be present during all ground disturbing activities associated with the project. Staff has added a condition of approval to accommodate this request.
4. **Hazardous Materials:** Comments from the Mendocino County Environmental Health Division indicated that if the project site stores specific hazardous materials in quantities exceeding stated thresholds, a Hazardous Materials Management Plan (HMMP) would have to be prepared. Staff has added language to the conditions of approval reflecting that requirement.
5. **Visual Impacts:** The new equipment at the base of the tower will be much like the existing equipment and will not contribute to a significant increase in visual impacts. The existing chain link fence will further screen the additional equipment and the rural nature of the site, the nearest residence is approximately one-quarter of a mile away, which minimizes any impacts. The additional antennas will be placed at a lower height on the tower than the existing ones. While the additional antennas will increase the visual impact of the tower, the guidelines for the development of Wireless Communication Facilities requires that co-location on an existing tower be approved when the co-location minimizes adverse effects of visual resources, public safety and other environmental factors.
6. **Wireless Guidelines:** On August 4, 2015, the County of Mendocino adopted the Guidelines for the Development of Wireless Communications Facilities. All new wireless communications facilities are encouraged to use these guidelines whenever possible. Standards are part of this document and are to be followed to the greatest extent possible by wireless communication proposals. Staff has analyzed this project against the applicable standards as detailed below:

1. General

- a. *"Communications facilities that can co-locate, in a stealth manner, with an existing facility will have highest preference, followed by facilities located on existing structures or buildings, then followed by facilities that can be designed or located so as to be visually unobtrusive ("stealthed")"* This application is to co-locate twelve panel antennas on an existing 120 foot tall lattice tower wireless communications facility. While not a stealth application, it is a co-location request.
- b. *"The design of communications facilities should promote co-location among different communication services providers. To the extent feasible, lease areas, antenna towers and equipment structures shall be designed to provide for the consolidation of future facilities to eliminate or minimize the visual clutter resulting from multiple communications structures. Applicant shall not enter into a lease that precludes possible co-location."* This application is for the co-location of new antennas and their support equipment at the base of the tower. Because Verizon, the original tower owner, does not have lease rights to lease additional space within their compound, AT&T had to negotiate directly with the property owner for additional lease space. The entire lease area, including the additional 375 square feet of new space is enclosed by a six foot tall chain link fence with three strands of barbed wire on top.
- c. *"Existing facilities should make available unutilized space for co-location of other antennas and equipment, including space for communication services providers."* This application proposes to co-locate on the existing 120 foot tall lattice tower twelve new panel antennas and appurtenant tower based equipment. The new towers would be placed at the 105 foot elevation. Ground

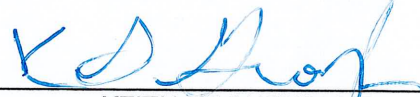
based support equipment is to occupy a new 375 square foot lease area, which is necessary as explained in b above.

RECOMMENDATION

By resolution, accept the Class 1 Categorical Exemption and grant approval of Major Use Permit Modification UM_2019-0002, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

7-6-2020

DATE



KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

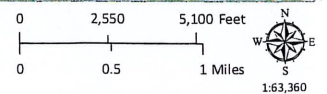
- A. Location Map
- B. Aerial Imagery
- C. Site Plan
- D. Elevations
- E. Zoning Display Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones and Responsibility Areas
- I. Topographic Map

RESOLUTION and Conditions of Approval (Exhibit A):



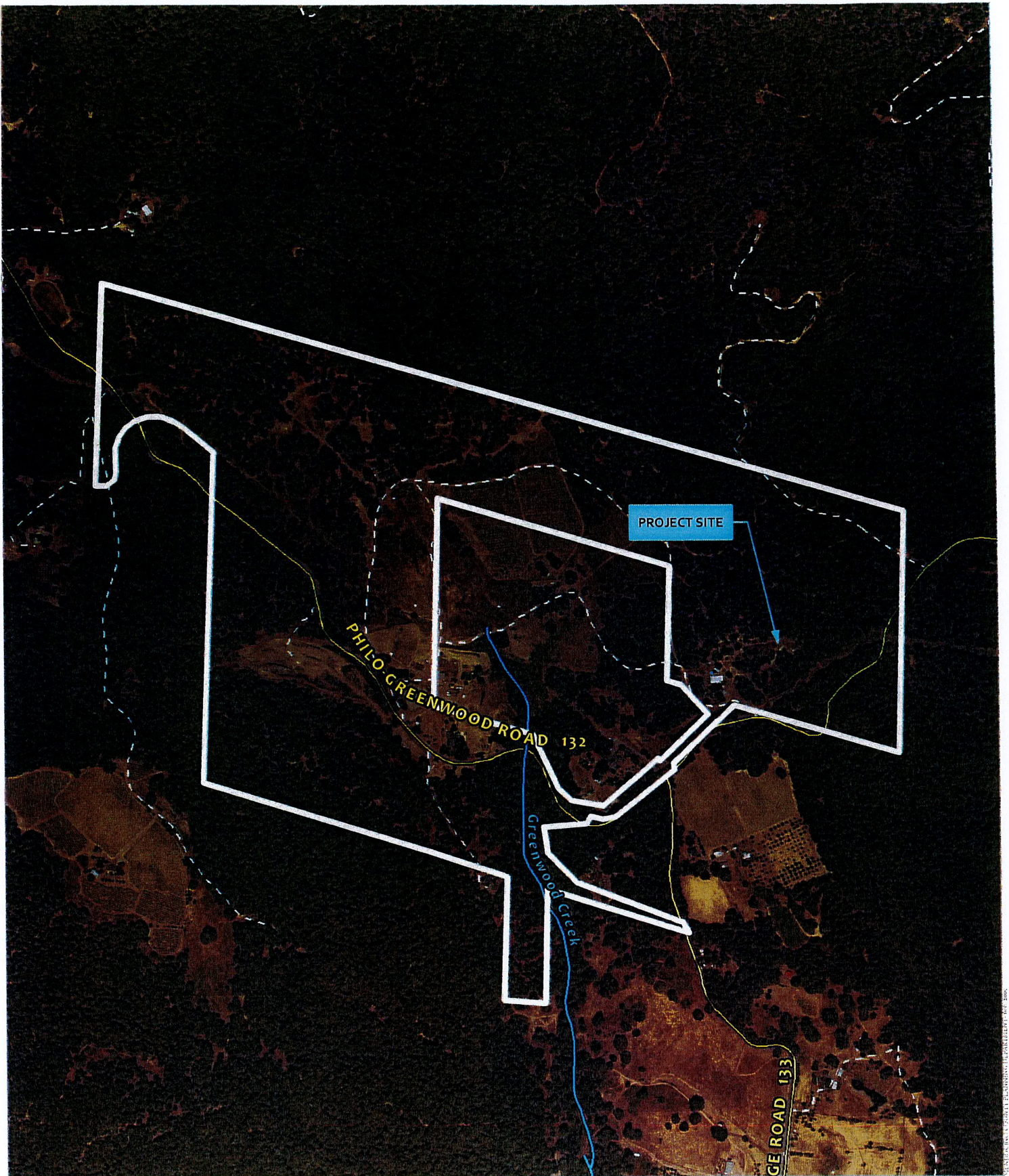
CASE: UM 2019-0002
 OWNER: FASHAUER, Anne
 APN: 026-600-35
 APLCT: AT&T Mobility
 AGENT: Jared Kearsley
 ADDRESS: 21600 Philo Greenwood Road, Philo

- Major Towns & Places
- Major Roads
- Major Rivers
- Highways






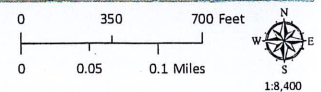
LOCATION MAP

ATTACHMENT A

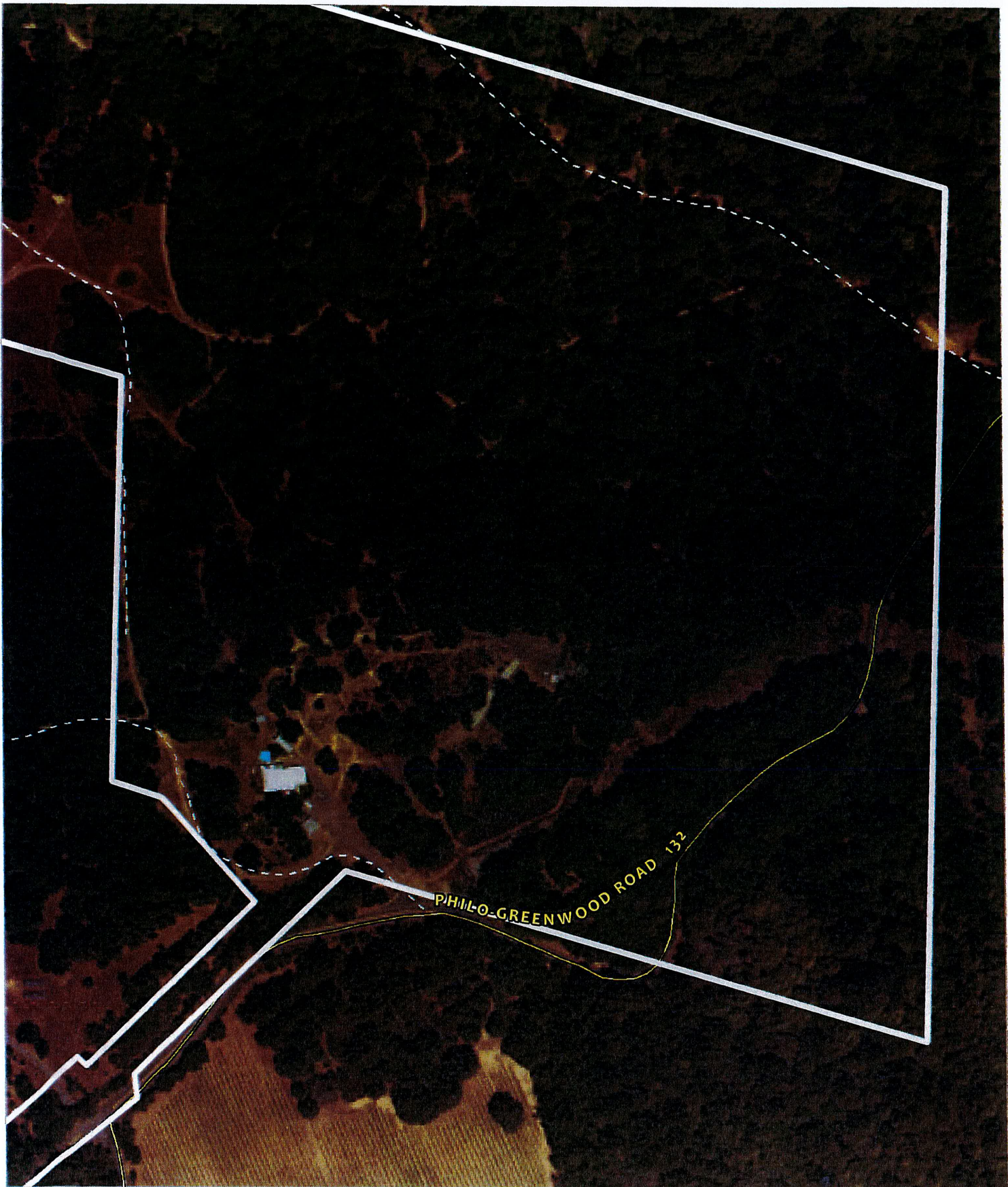


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 Named Rivers
 Public Roads
 Driveways/Unnamed Roads

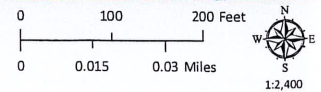


AERIAL IMAGERY
ATTACHMENT B

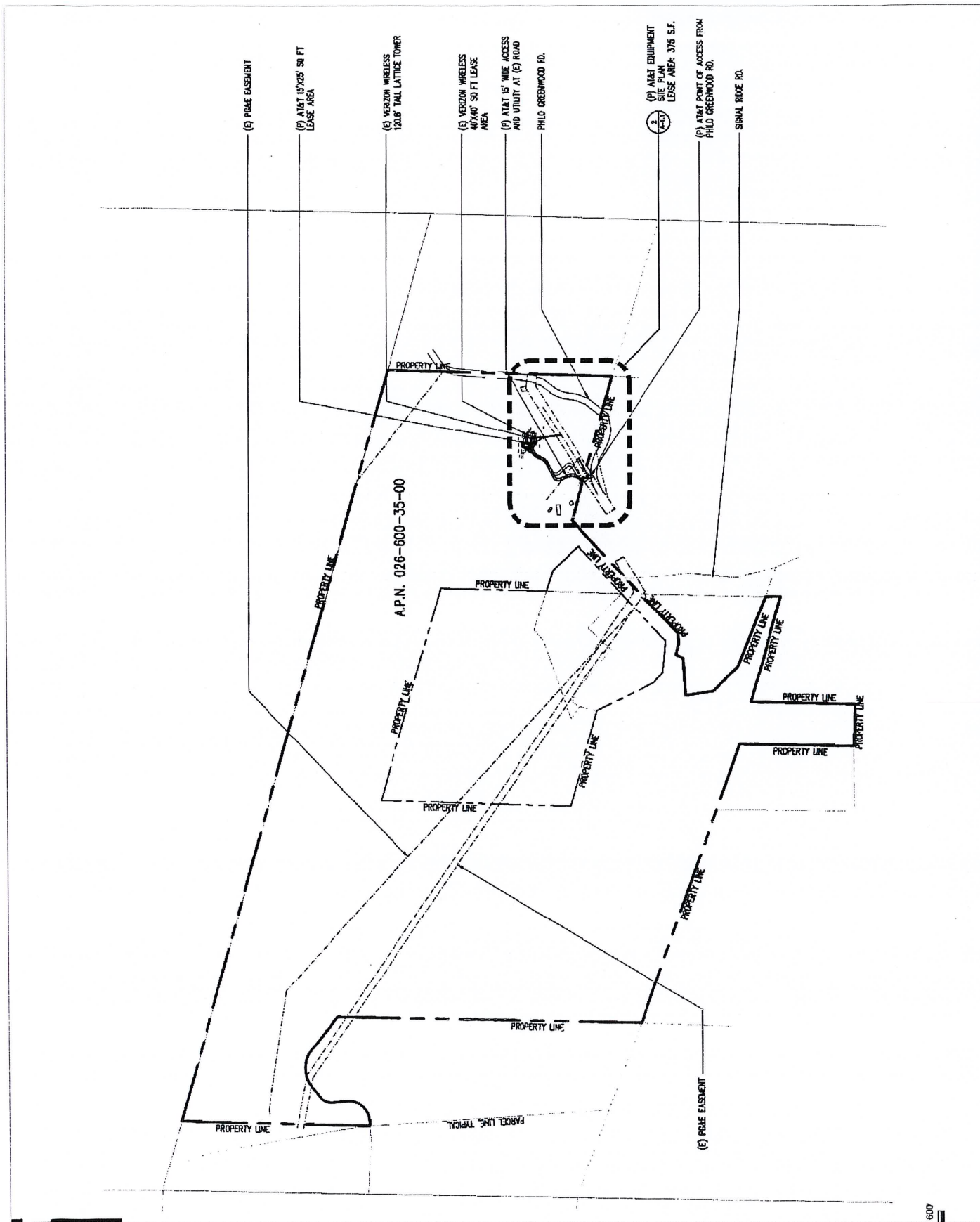


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OWNER: FASHAUER, Anne
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Public Roads
Driveways/Unnamed Roads



AERIAL IMAGERY
ATTACHMENT B



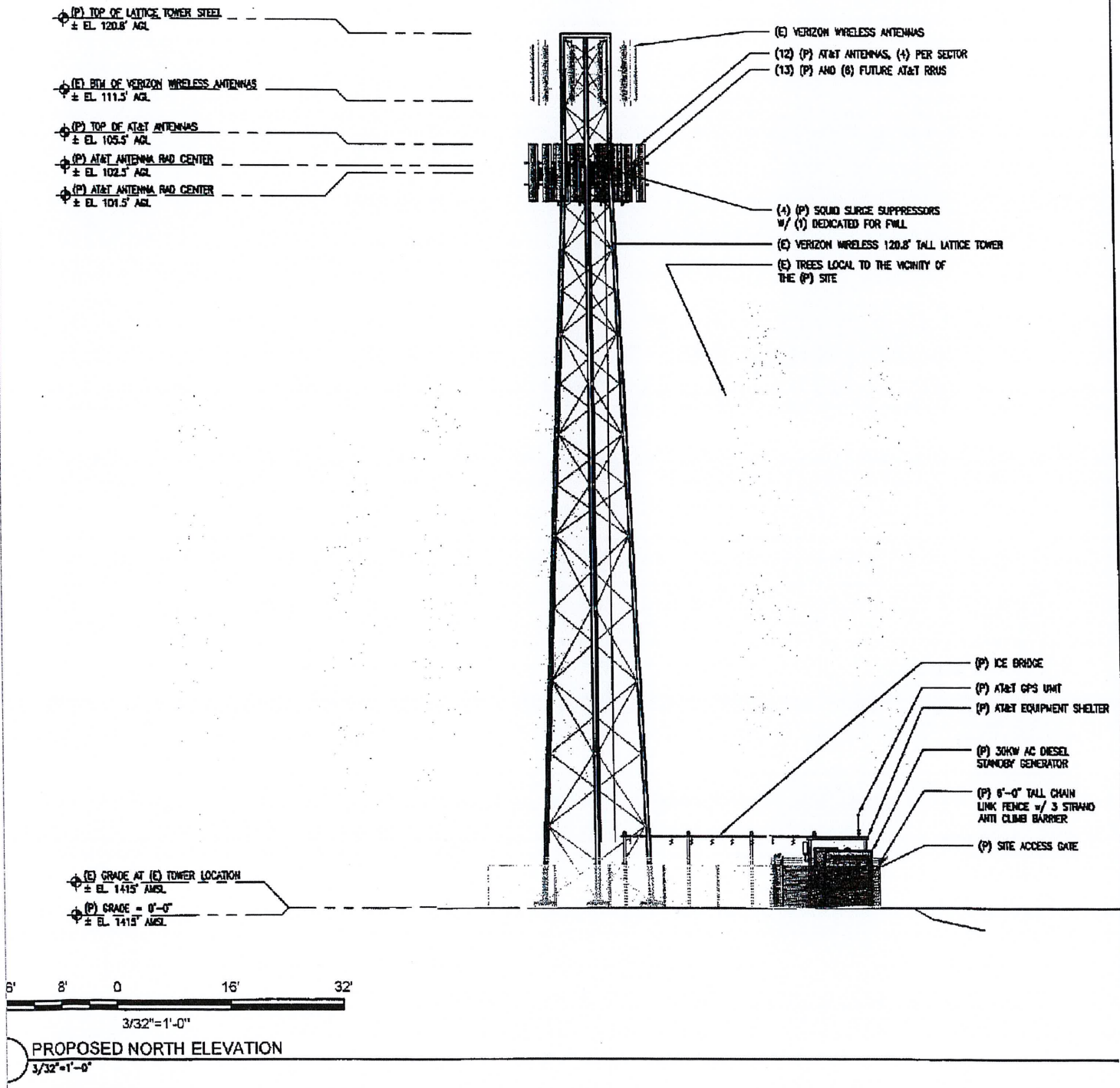
SITE TYPE: LATTICE TOWER/EQUIPMENT SHELTER

CASE: UM 2019-0002
 OWNER: FASHAUER, Anne
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 ADDRESS: 21600 Philo Greenwood Road, Philo

NO SCALE

SITE PLAN

ATTACHMENT C

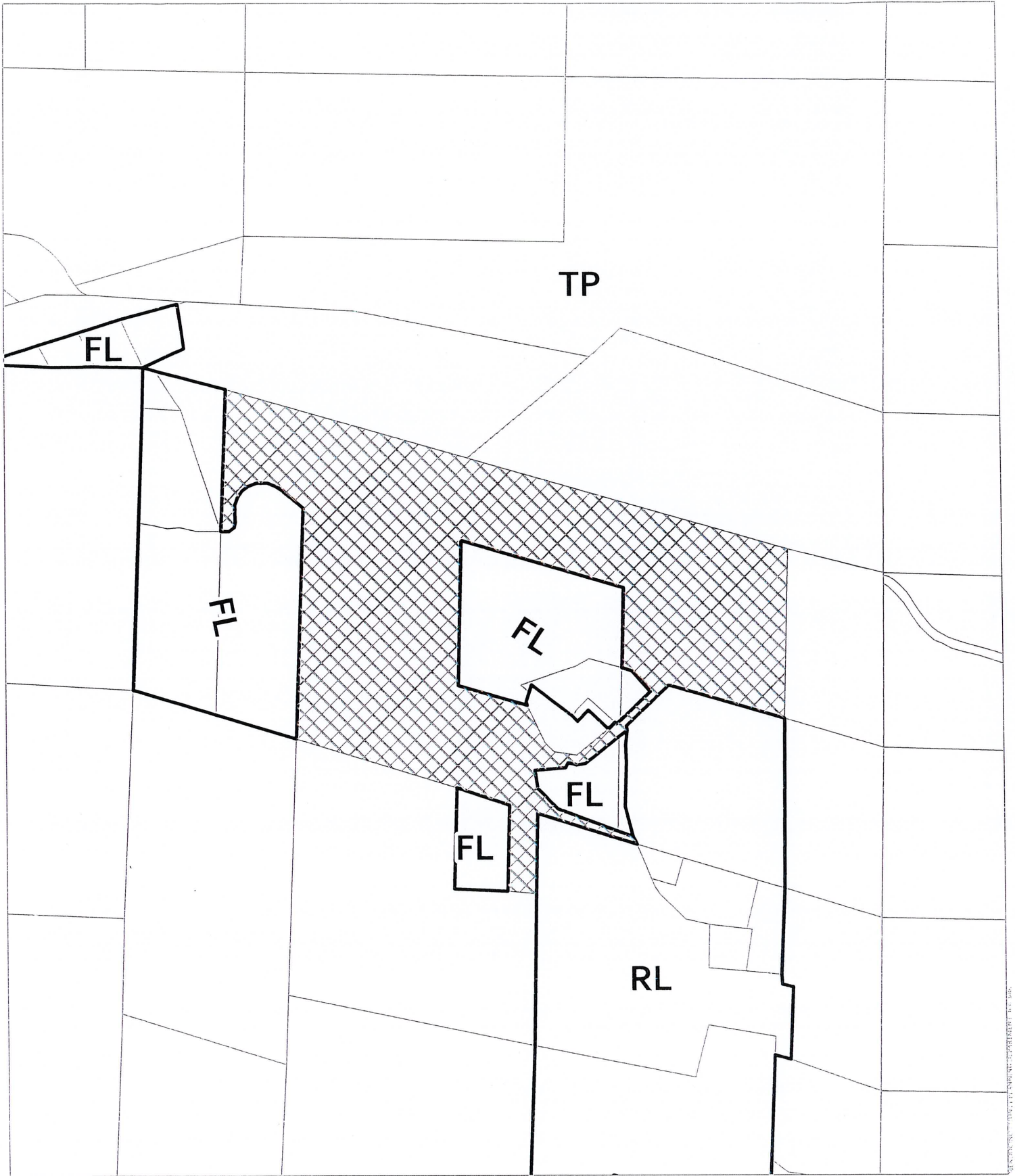


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
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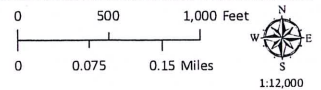
ELEVATIONS

ATTACHMENT D



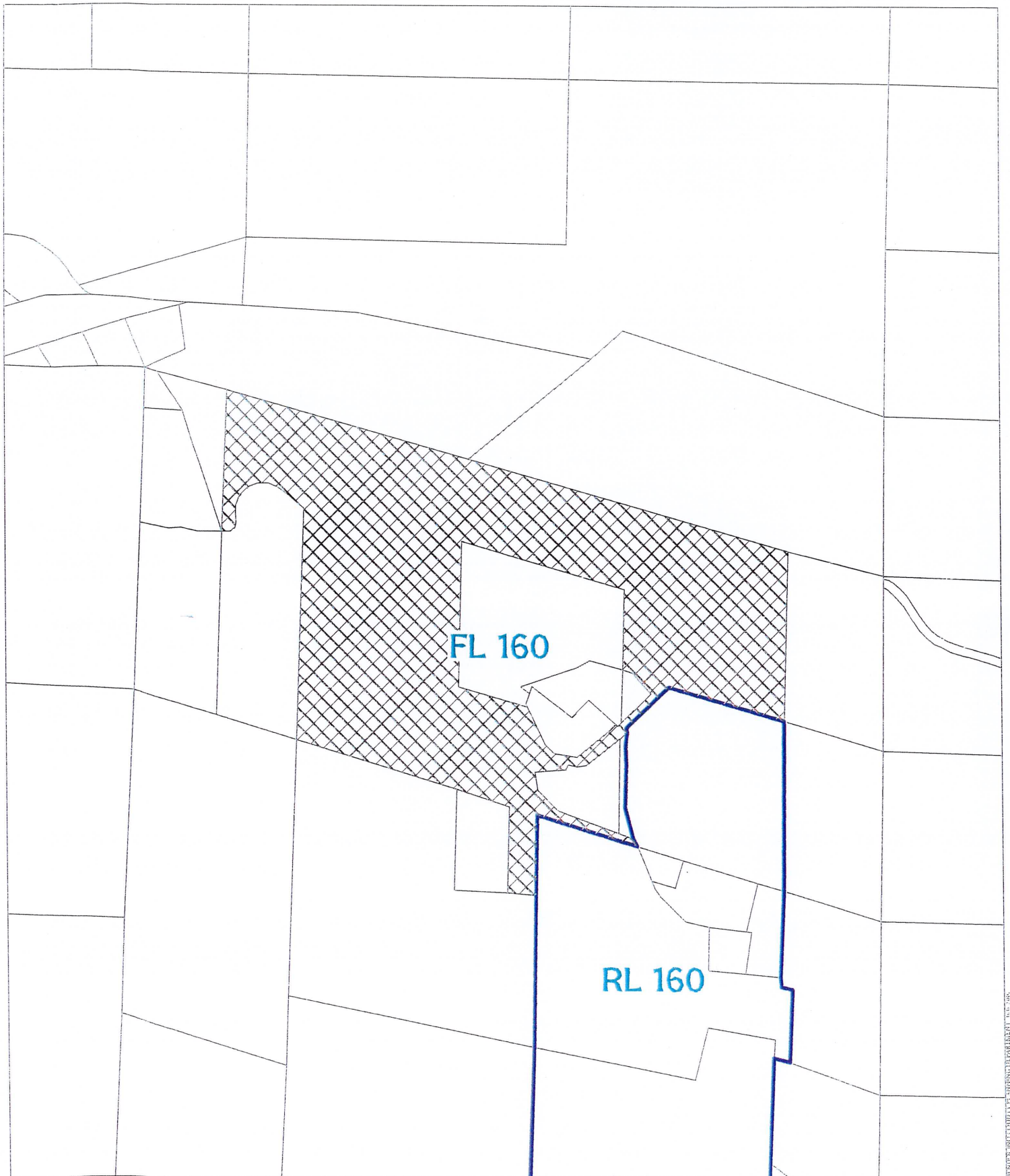
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OWNER: FASHAUER, Anne
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ADDRESS: 21600 Philo Greenwood Road, Philo

 Zoning Districts




ZONING DISPLAY MAP

ATTACHMENT E

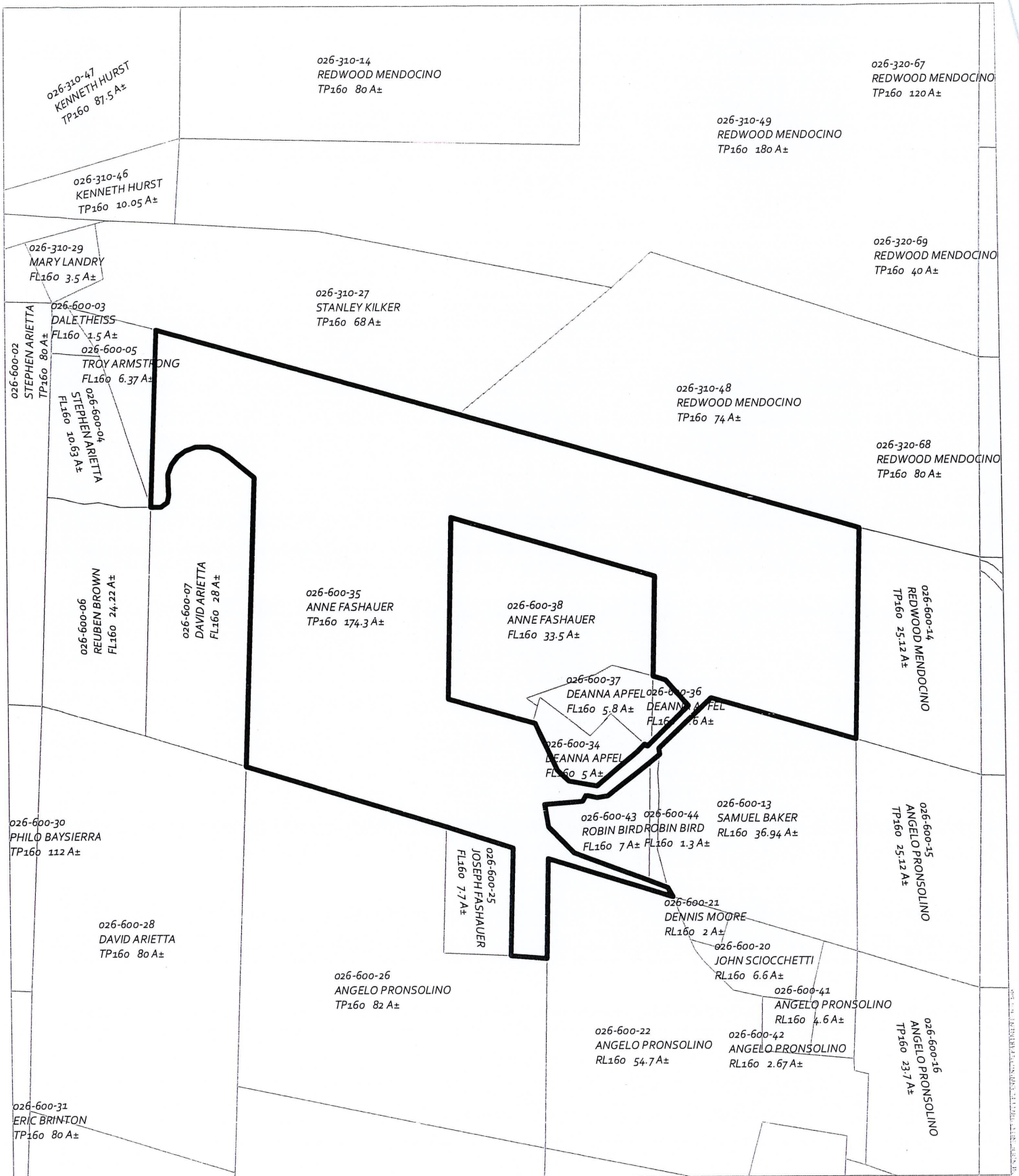


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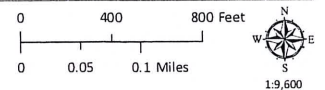
 General Plan Classes

GENERAL PLAN CLASSIFICATIONS

ATTACHMENT F



CASE: AP 2019-0056
 OWNER: FASHAUER, Anne
 APN: 026-600-35
 APLCT: AT&T Mobility
 AGENT: Jared Kearsley
 ADDRESS: 21600 Philo Greenwood Road, Philo



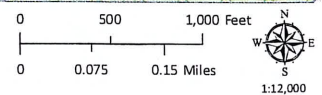
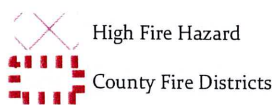
ADJACENT PARCELS

ATTACHMENT G

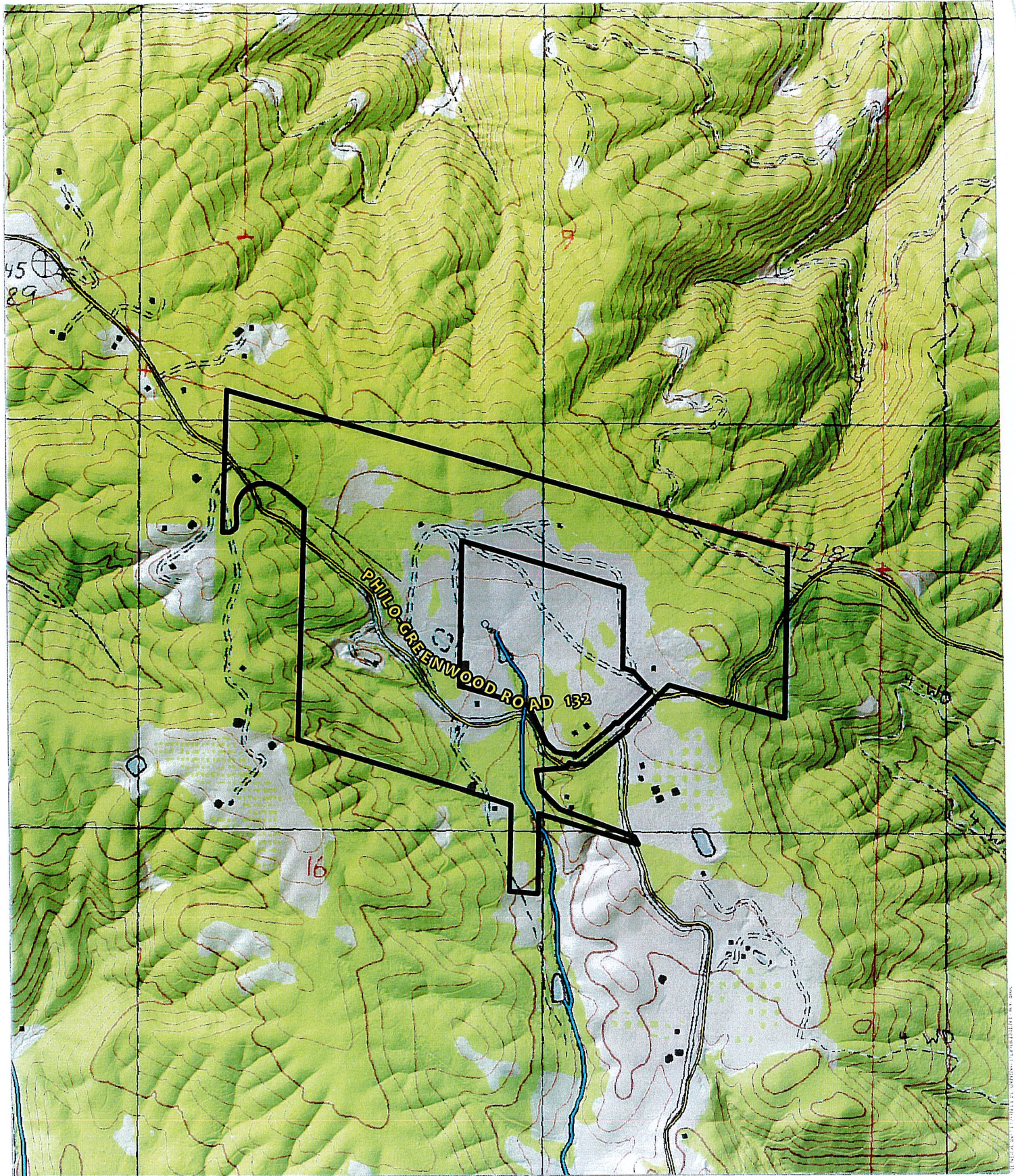
ELK COMMUNITY SERVICES DISTRICT

ANDERSON VALLEY COMMUNITY SERVICES DISTRICT




CASE: UM 2019-0002
OWNER: FASHAUER, Anne
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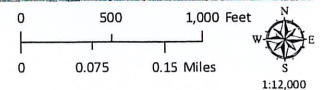


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



CASE: UM 2019-0002
OWNER: FASHAUER, Anne
APN: 026-600-35
APLCT: AT&T Mobility
AGENT: Jared Kearsley
ADDRESS: 21600 Philo Greenwood Road, Philo

 Named Rivers
 Public Roads
 Driveways/Unnamed Roads



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

ATTACHMENT I

Resolution Number _____

County of Mendocino
Ukiah, California

JULY 16, 2020

UM_2019-0002 – AT&T MOBILITY

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT MODIFICATION TO EXPAND THE EXISTING 1,600 SQUARE FOOT EQUIPMENT LEASE AREA BY 375 SQUARE FEET TO ACCOMMODATE NEW GROUND BASED EQUIPMENT FOR ASSOCIATED CELL TOWER EQUIPMENT ADDITIONS.

WHEREAS, the applicant, AT&T MOBILITY, filed an application for a USE PERMIT MODIFICATION to U_2013-0004 with the Mendocino County Department of Planning and Building Services to expand the existing 1,600 square foot equipment lease area by 375 square feet to accommodate new ground based equipment for associated cell tower equipment additions, 4± miles northwest of Philo town center, lying on the north side of Philo Greenwood Road (CR 132), 0.1± mile east of its intersection with Signal Ridge Road (CR 133), located at 21600 Philo Greenwood Rd., Philo; (APN: 026-600-35); General Plan FL 160; Zoning TP 160; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a categorical exemption from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, July 16, 2020, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Forest and (FL 160) and the Project is consistent with Principle 2-2b of the Economic Development Chapter of the Mendocino County General Plan which designates telecommunications and information technology as imperative to promote a vibrant, diversified and stable economy by supporting expanded opportunities for affordable high speed internet service to all areas of the county. Additionally, the subject parcel lies within the Zoning District of Timber Production (TP:160) and the Project is consistent with the Zoning District per Mendocino County Code §20.236 which allows installation of major impact utilities subject to a major use permit.
2. **Use Permit Findings:** The project, subject to the conditions of approval found in Exhibit A of the resolution, fulfill the following use permit findings:
 - a) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;
 - b) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

- c) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
 - d) That such use preserves the integrity of the zoning district.
3. **Environmental Protection Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class 1 exemption.
4. **Wireless Communications Guidelines:** On August 4, 2015, the County of Mendocino adopted the Guidelines for the Development of Wireless Communications Facilities. All new wireless communications facilities are encouraged to use these guidelines whenever possible. Standards are part of this document and are to be followed to the greatest extent possible by wireless communication proposals. The proposed project is consistent with the Wireless Communications Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use Permit Modification, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST:

JAMES F. FEENAN
Commission Services Supervisor

BY: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL UM_2019-0002 – AT&T MOBILITY

July 16, 2020

APPROVED PROJECT DESCRIPTION: Modification to Use Permit 2013-0004 to expand the existing 1,600 square foot equipment lease area by 375 square feet to accommodate new ground based equipment for associated cell tower equipment additions

CONDITIONS OF APPROVAL:

PREVIOUSLY APPROVED CONDITIONS OF U_2013-0004:

Aesthetics

1. Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color shall be reviewed by the Department of Planning and Building Services for approval prior to issuance of a building permit.
2. The total height of the facility including antennas will not exceed 120 feet in height above ground level. Upon completion of the installation of the facility and prior to final of the building permit, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height. This condition is a concealment element of the project and exceeding this height limitation shall require a modification of this Use Permit.
3. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
4. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
5. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
6. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.

Air Quality

7. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator.
8. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Cultural Resources

9. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils/Hydrology and Water Quality

10. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
11. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Noise

12. The generator used to support the facility shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBA at the nearest off-site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and

emergency use are not included in this limitation. If necessary, the generator shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.

Public Services

13. The applicant shall complete California Department of Forestry and Fire Protection (CalFire) standard fire safe requirements pursuant to CalFire File #21-14. The applicant shall obtain written verification from CalFire stating that this condition has been met to the satisfaction of CalFire and submit it to the Department of Planning and Building Services.
14. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Transportation/Traffic

15. In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall construct and maintain a standard private driveway approach onto Philo-Greenwood Road (CR 132), to a minimum width of ten (10) feet, and length measured fifteen (15) feet from the edge of the County road, to be paved with surfacing comparable to that on the County road.
16. Prior to any work within County rights of way, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation.

Wireless Guidelines

17. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on the fence exterior in a location visible when approached from the road, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
18. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
19. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
20. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
21. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

Standard Conditions

22. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.

23. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
24. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
25. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
26. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
27. This permit is issued for a period of ten years, and shall expire on November 20, 2025. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
28. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.
29. Future modifications shall be considered cumulatively to determine if request constitutes a "substantial change" to the facility under applicable federal law.

Fish and Wildlife Filing Fee

30. This entitlement does not become effective or operative, and no work shall be commenced under this entitlement, until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 5, 2015, (within 5 days of the end of any appeal periods). Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "*no effect*" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

ADDITIONAL CONDITIONS FOR UM_2019-0002:

31. An archaeologist shall be present for all ground disturbing activities of the project. In the event that archaeological resources are encountered during development of the property, work in the

immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

32. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
33. Should fuel storage at the site exceed thresholds established for when preparation of a Hazardous Materials Management Plan is required, a Hazardous Materials Management Plan (HMMP) shall be submitted to the satisfaction of the Division of Environmental Health. Prior to the issuance of any building permits in reliance of this Use Permit, the applicant shall furnish evidence from the Division of Environmental Health that either a HMMP is not required or that one has been submitted to the satisfaction of the Division of Environmental Health.
34. This permit is issued for a period of ten years, and shall expire on November 20, 2025. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.

