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MEMORANDUM

DATE: MAY 19, 2016

TO: PLANNING COMMISSION

FROM: JULIA ACKER, PLANNER II

RE: #OA 2015-0003, WIRELESS COMMUNICATIONS FACILITIES
REVIEW AND CONSIDER AN AMENDMENT OF THE COASTAL ZONING CODE (TITLE 20, DIVISION II) TO MODIFY THE PERMIT PROCESS FOR CERTAIN TYPES OF WIRELESS COMMUNICATION FACILITIES.

INTRODUCTION:

Staff is submitting a proposed ordinance amendment to the County Coastal Zoning Code (Title 20 – Division II of the Mendocino County Code). The proposed ordinance amendment is similar to the ordinance amendments previously reviewed by the Planning Commission and, in 2015 adopted by the Board of Supervisors, which amended the County Inland Zoning Code (Title 20 – Division I). Staff is proposing the ordinance amendments to better define where and how wireless communications facilities may be installed in the unincorporated areas of Mendocino County within the Coastal Zone. The proposed ordinance describes the circumstances in which wireless facilities may be exempt from discretionary review, subject to Coastal Development Permits, and when a Coastal Development Use Permit will be required. The proposed ordinance amendment is not applicable to the County Town of Mendocino Zoning Code (Title 20 – Division III).

BACKGROUND:

At times, wireless communication facilities (WCF), such as cell towers, have been a contentious issue in Mendocino County. On November 15, 2001, the Planning Commission adopted guidelines for approval and operation of wireless communication facilities to help facilitate orderly development of the emerging wireless industry. Even with adoption of the *Guidelines for the Development of Wireless Communication Facilities* (Wireless Guidelines), there have been many unresolved cases resulting in the threat of litigation. As the wireless industry rapidly evolves, Mendocino County's governance of the industry must adapt to meet new demands. Keeping up with the changes to industry needs has, at times, left the County in the position of incrementally dealing with issues on a case by case basis, causing a need to adapt and re-interpret the Guidelines. This has left staff, the Commission, Board of Supervisors, the industry, and/or the public sometimes at odds.

The most controversial topic raised by the public continues to be the potential for the wireless facilities to be an environmental health hazard. The Telecommunications Act of 1996 limits the authority of local governments when regulating the environmental effects of radio frequency emissions.

Staff has attempted to resolve issues that the public and the wireless industry have with the current process. The public has voiced many diverse opinions; some of the key areas of concern are aesthetics, local control, long-range plan of the industry, maintaining zoning integrity and access to sites. For years, the wireless industry has expressed a strong desire for streamlining the process to make it more practical to establish and maintain wireless infrastructure. More recently, local broadband providers have also expressed concerns that the current use permit application fees and process act as a hindrance to operating a profitable small business and providing cheap broadband service to rural areas of our County. Past discussions have focused on providing a streamlined process for the industry for minor modifications to existing facilities and encouraging more stealth designs to screen new facilities. It was felt that in exchange for compliance with stricter standards that the County could consider a more expeditious processing method.

The “counter” argument to this approach is that regardless of mitigating factors such as stealth designs within structures (the application for an antenna designed to appear as a support beam below a deck near Mendocino and the U.S. Cellular application for an antenna hidden within a chimney at the Stanford Inn) individual cases seem to generate some controversy regardless of the “good faith” efforts to screen or disguise the development.

Staff has also worked with industry representatives to encourage co-location of sites; however this too has gained mixed results since sites proposed that incorporate facilities that will be able to house other providers are, by their nature, taller and generally more visually intrusive.

At the Board of Supervisors and Commission’s direction, staff initiated review of the County’s ordinances and guidelines for WCF. This review initially centered on the Inland Zoning Code and involved creating a separate permit process for certain less intensive projects including the addition of various antennas to existing legal permitted structures whether that structure is a tower, monopole, house, barn, billboard, sign etc… as well as new wireless communication facilities less than 50 feet in height. The Inland WCF Ordinance was adopted on August 4, 2015 as Ordinance No. 4341. At the time of approval of the Inland ordinance, the Board requested that a similar process be adopted for the Coastal Zone.

During the preparation of the Ordinance Amendment for the Inland Zoning Code, County staff met with the Broadband Alliance to review the amendment process and get feedback on staff’s efforts. The proposed Ordinance Amendment provides an alternative permit process for certain types of WCF applications, along with strict criteria and standards, for the Coastal Zone. The proposed Ordinance tracks the adopted streamlined processes in the Inland Code in regards to types of WCF applications receiving streamlined processes. A public workshop was held in Fort Bragg on December 3, 2015 to gather ideas and help form the proposed ordinance language. Attendees of both meeting were in favor of the proposed changes.

RELATED CASES:

The Board of Supervisors approved Ordinance Amendment #OA 2014-0003 on August 4, 2015 (Ordinance No. 4341) to modify the Inland Zoning Code and create an alternative permit process for certain wireless communication facilities. The major change in the application process was the introduction of the administrative permit to streamline the process. Upon approving #OA 2014-0003, the Board directed staff to prepare a separate ordinance amendment to provide for similar changes in the Coastal Zone.

Guidelines for the Development of Wireless Communication Facilities were also adopted by resolution of the Board of Supervisors on August 4, 2015 (Resolution No. 15-121).

PROJECT DESCRIPTION:

Alternative Permit Process: Under current regulations all WCF located in the Coastal Zone require issuance of a coastal development use permit, regardless of the scale or type of the WCF project. Under the proposed ordinance amendment, certain WCF projects may be considered exempt or eligible for an alternative permit process. The proposed application process for WCF will now include exemptions from the proposed development standards and, in some instances, the need to obtain a discretionary permit and coastal development permits (CDP) for certain types of improvements. This change reduces the application cost for establishment of such facilities, allows for faster processing times on applications for WCF projects that meet the applicable development standards, and also encourages providers to establish visually unobtrusive and smaller scale WCF within the Coastal Zone. WCF projects that do not meet the applicable standards for a streamlined permit process will be subject to obtaining a coastal development use permit.

To qualify for an exemption from the proposed development standards the applicant will need to qualify for one or more of the six types of exempt projects. The first type recognizes private communication equipment for personal use, such as private radio, television, internet, or ham radio reception antennas. The second type was added to encourage the use of existing structures and recognizes commercial antenna additions to existing legal structures subject to restrictions on the number of times this exemption can be utilized on a particular site. The third type recognizes small scale, low powered, short-range, and visually inconspicuous wireless internet transmitters/receivers (e.g. “wi-fi hotspots”). The fourth type recognizes temporary facilities erected and operated for use in emergency situations. The fifth type recognizes facilities that are specifically exempt under federal or state law. The sixth type recognizes the

discretion of the Director of Planning and Building Services to exempt minor modifications to existing legal wireless communication facilities if limited to replacing equipment with similar, smaller or less visible equipment. The six proposed exemption types are subject to certain limitations and may still require the issuance of a discretionary permit if the proposed location has particular features that may involve a risk of adverse environmental effects, adversely affect public access, or involve a change in use contrary to any policy of the applicable division (e.g. highly scenic areas, within fifty feet of the edge of a coastal bluff, environmentally sensitive habitat areas, etc.).

To qualify for a CDP process the applicant will need to meet the criteria for one or more of the four WCF classes along with the standards identified for each. The first WCF class recognizes the importance of utilizing co-location and allows for co-location applications to be approved by a CDP if the changes are minor. The second and third WCF classes, building and roof mounted antennas, were added to encourage the use of existing structures without substantially changing the appearance or function of the structure and minimizing the need for new towers. The fourth WCF class is included as an incentive for the wireless industry to construct wireless communication facilities less than 50 feet in height that are visibly unobtrusive and effectively unnoticeable rather than the typical 100 foot tall and higher self-support structures that are often proposed. If a project does not meet one of the four classes along with applicable criteria then the applicant must apply for a coastal development use permit.

Obtaining a CDP does not necessarily require a public hearing and the process would be utilized to permit only those projects that are consistent with identified standards and would have a negligible impact to the site and surrounding area. All other WCF projects that do not qualify for either an exemption or a CDP will be required to obtain a coastal development use permit.

This draft ordinance amendment attempts to meet both the goals of streamlining the permit process for the wireless industry and provide needed WCF coverage to underserved communities. By allowing the cellular and broadband providers the option of applying for an CDP for a new tower under 50 feet, if the project is adequately stealthed, and giving them greater flexibility for minor modifications of existing facilities and other structures, the planning process will be quicker and more cost effective.

New FCC regulations: On January 8, 2015, the Federal Communications Commission (FCC) published, in the Federal Register, new rules and order pertaining to the deployment of wireless telecommunication facilities. These rules in part affect how applications to modify an existing “wireless” telecommunication facility may be processed. Section 20.522.020 of the Ordinance is intended to accommodate the streamlined procedure required by the Code of Federal Regulations for the expansion of certain facilities. Projects that meet the definition and requirements of the Federal regulation will be reviewed and approved pursuant to the Federal procedures.

CEQA Review: As this is an amendment to the zoning code and Local Coastal Plan, changes are subject to environmental review under the California Environmental Quality Act (CEQA) and must be approved by the Board of Supervisors and certified by the California Coastal Commission. An Initial Study has been prepared for the project. Upon completing the Initial Study staff determined that development standards outlined in the proposed Section 20.522.025 are adequate to ensure that a project will not result in significant impact to the environment. Additional conditions can be placed on a project to ensure consistency with the identified standards. Therefore, a Negative Declaration is proposed for adoption.

RECOMMENDATION:

The Planning Commission recommends that the Board of Supervisors adopt the proposed revisions to the Coastal Zoning Code (Title 20, Division II) to modify the permit process certain types of wireless communication facilities and certify the Negative Declaration.

FINDINGS:

That the Planning Commission recommends that the Board of Supervisors find:

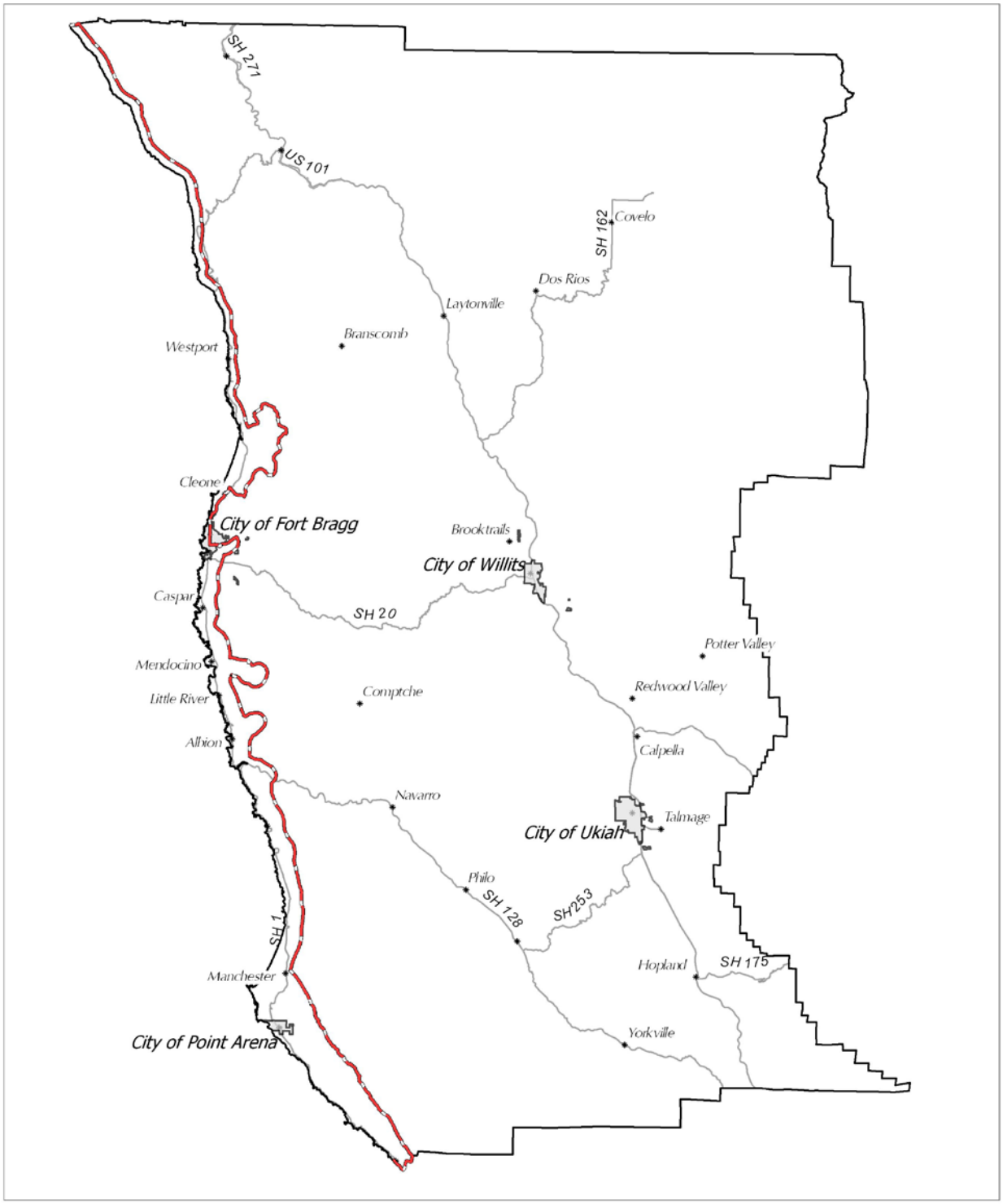
1. That an Initial Study has been prepared for the project in accordance with the California Environmental Quality Act and that potential environmental impacts identified for the project can be adequately addressed by the identified development standards so that no significant adverse environmental impacts will result from adoption of the proposed amendment; and that a Negative Declaration be adopted by the Board of Supervisors.

2. That the proposed amendment is consistent with the applicable goals and policies of the Local Coastal Plan.

Prepared by:

_____	_____
DATE	JULIA ACKER PLANNER II

ATTACHMENTS:
Attachment A – County of Mendocino Map
Attachment B – Draft Ordinance #OA 2015-0003
Attachment C – Initial Study
Attachment D – Ordinance No. 4341 (adopted August 4, 2015)



Coordinate System: NAD 83, Calif. State Plane Zone II
Projection: Lambert Conformal Conic
Parcel Data: Mendocino County Info. Svcs., October, 2014
Aerial Imagery: US Dept. of Agriculture, NAIP series, unless otherwise indicated
Topographic Data: USGS 7.5 minute quad series
Flood Data: FEMA FIRM Maps, June 2011
AP & Situs numbers subject to change or correction at any time.

Coastal Zone Boundary Line
Highways
Incorporated City Limits
Major Towns & Places

0 24,500 49,000 Feet
0 4.75 9.5 Miles
1:611,680

COUNTY OF MENDOCINO

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

ORDINANCE NO._____

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 20, DIVISION II
OF THE MENDOCINO COUNTY CODE RELATING TO WIRELESS COMMUNICATIONS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the following amendments and additions to the Mendocino County Code are hereby adopted:

Section 1. The following new definitions are added to Section 20.308.020 Definition (A) in their respective alphabetical positions:

"Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.

"Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than 10 feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.

"Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.

"Antenna tower" means any pole, tower, or other structure, over 10 feet tall, erected for the purpose of supporting one or more antennas.

"Antennas, commercial" means all antennas, parabolic dishes, relay towers and antenna support structures used to radiate and/or capture electromagnetic signals of radio, television and communication signals for commercial purposes. For the purposes of this definition, "commercial purposes" means communications for hire or material compensation, or the use of commercial frequencies, as these terms are defined by the Federal Communications Commission (FCC). "Commercial antennas" shall not include antennas owned or operated by governmental facilities or personal wireless service facilities.

Section 2. The following new definitions are added to Section 20.308.030 – Definitions (C) in their alphabetical position:

"Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased.

"Commercial Antennas" see "Antennas, Commercial" defined in Section 20.308.020.

Section 3. The following new definition is added to Section 20.308.040 – Definitions (E) in its alphabetical position.

"Eligible Facilities Request" (as defined in 47 Code of Federal Regulations 1.40001) means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving either (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

<u>Section 4</u>. The following new definition is added to Section 20.308.075 – Definitions (L) in its alphabetical position.

> "Least visually obtrusive," with regard to wireless communication facilities, shall refer to technically feasible facility site and/or design alternatives that render the facility the most visually inconspicuous in terms of protection of views to and along the ocean and scenic coastal areas, minimization of the alteration of natural landforms, visual compatibility with the character of surrounding areas, and in designated highly scenic areas, subordination to the character of their setting, and in consideration of other technically feasible sites and/or designs. It does not mean that the facility must be completely hidden, but it may require screening or other camouflaging so that the facility is not immediately recognizable as a wireless communication facility from adjacent properties and roads used by the public.

<u>Section 5</u>. The following new definition is added to Section 20.308.130 – Definitions (W) in its alphabetical position:

> "Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

<u>Section 6</u>. Chapter 20.522 is hereby added to Title 20, Division II of the Mendocino County Code to read as follows:

CHAPTER 20.522 – TOWERS AND ANTENNAS

Sec. 20.522.005 – Declaration.

The purpose of this Chapter is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the coastal areas of the unincorporated area of the County of Mendocino. The provisions of this Chapter are intended to locate and design wireless communication facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, agricultural and open space land resource impacts, impacts to the community and aesthetic character, but to do so while complying with relevant federal and state law and regulations.

Radio, telephone, and other communication and transmission structures, towers, and antennas ("towers and antennas") are conditional uses subject to approval of a coastal development use permit in all zoning districts, except as otherwise provided in the Mendocino County Code.

Sec. 20.522.010 – Applicability.

Activities and development regulated by this Chapter include the siting, design, construction, maintenance and operation of all wireless communication facilities. The regulations in this Chapter are intended to be consistent with State and Federal law, in that they are not intended to: (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of prohibiting personal wireless services within Mendocino County; (3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental or health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning emissions.

This Chapter supersedes all other County provisions or regulations affecting towers and antennas within the Mendocino County Coastal Zoning Ordinance, Mendocino County Code Title 20, Division II. This Chapter is not applicable to the Mendocino County Inland Zoning Ordinance, Mendocino County Code Title 20, Division I or the Mendocino Town Plan Zoning Code, Mendocino County Code Title 20, Division III.

An appeal may be filed by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services in accordance with Section 20.544.010 of this Division.

Sec. 20.522.015 – Exemptions.

The following wireless communication facilities are exempt from the requirements of this Chapter:

(A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such facilities shall be limited in height by Section 20.444.025.

(B) Commercial antenna additions to existing legal structures provided the antenna does not exceed the height limit for noncommercial antennas in the zoning district, is no more than one meter in diameter or width and which does not involve any ground disturbance, nor relies upon any equipment shelter, fenced enclosures, or a separate power generator. No more than three such antennas shall be located on any legal parcel without obtaining a Coastal Development Permit.

(C) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., “wi-fi hotspots”).

(D) Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification to the Director shall be provided within 72 hours of installation.

(E) Any facility specifically exempted under federal or state law as determined by the Director.

(F) The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual impact of the facility. For the purposes of this section, a minor modification to visual impact shall mean no increase or intensification in the dimensions and/or no relocation of an existing and/or permitted wireless communication facility (including, but not limited to, its telecommunications tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment) resulting in no increase of the visual impact of said wireless communication facility.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission’s limits for human exposure to radio frequency electromagnetic fields. Facilities determined to be exempt from this Chapter are required to obtain necessary building permits prior to commencing work.

Except as specifically noted, the exempt facilities set forth in this section shall be limited in height by the applicable zoning district height standard.

Wherever feasible, developers shall locate and design the exempt facilities set forth in this section to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive.

Sec. 20.522.020 – Permit Process.

(A) All projects that meet the definition of an “eligible facilities request” as defined in 47 Code of Federal Regulations (“C.F.R.”). 1.40001 and also Section 20.308.040 shall be permitted upon the issuance of a permit. Applications for an “eligible facilities request” shall be processed pursuant to the definitions, requirements and procedures set forth in 47 C.F.R. 1.40001, as may be amended from time to time; for the purpose of reviewing an “eligible facilities request,” the definitions and procedures of 47 C.F.R. 1.40001 shall control and supersede any contrary definitions or procedures of this Chapter. Any guidelines or regulations adopted by the County regarding wireless communications facilities shall incorporate or make reference to the provisions of 47 C.F.R. 1.40001.

(B) Provided a project is consistent with the Development Standards found in Section 20.522.025, as determined by the Director, the following types of wireless communication facilities and associated uses may be permitted upon the issuance of a coastal development permit:

1. Collocated facilities.

2. Building-mounted antennas.

3. Roof-mounted antennas.

4. New wireless communication facility.

(C) All other proposed wireless communication facilities not otherwise exempted pursuant to Section 20.522.015, and not meeting the standards of subsections (A) or (B) of this Section, shall be considered a conditional use and are subject to the requirements of Section 20.532.015(B) of this Division.

Sec. 20.522.025 - Development Standards.

(A) Collocated facilities. Additional antennas and associated equipment to be located upon an existing wireless communication facility shall comply with all of the following standards:

1. The type and size of the new antennas, associated equipment, and any improvements shall be consistent with the requirements of the original use permit(s) and other governing permit(s).

2. The new antenna array shall not increase the height of the existing communication tower beyond what was approved by previous applicable permits.

3. The width of the proposed antenna array shall not exceed the width of the existing array or arrays.

4. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.

5. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan, town plans, and all applicable development standards for the zoning district in which the facility is to be located, including, but not limited to, policies for protection of visual resources (i.e., County Code Chapter 20.504) and protection of sensitive habitat areas (i.e., County Code Chapter 20.496).

(B) Building-mounted antennas. Building-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. The antenna and mountings shall not project horizontally more than 30 inches from the building surface to which it is mounted.

2. Building-mounted antennas shall not exceed the maximum building height for the zoning district.

3. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off site.

4. Antennas and connections shall not project more than 36 inches vertically above the side of the building or structure upon which it is mounted.

5. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

6. All equipment shelters, cabinets or other structures appurtenant to the antenna facility shall be located either; 1) inside the building upon which facility is mounted, 2) on the ground outside the setback area or any required parking area, 3) on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is

provided that it will not be audible from beyond property boundaries, and spill prevention, containment, and cleanup contingencies are included in its design.

7. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.

8. Antennas mounted on the exterior walls of a building entirely below the roof line or parapet top may extend into any required yard setback a distance not exceeding two feet.

9. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan, town plans, and all applicable development standards for the zoning district in which the facility is to be located, including, but not limited to, policies for protection of visual resources (i.e., County Code Chapter 20.504) and protection of sensitive habitat areas (i.e., County Code Chapter 20.496).

(C) Roof-mounted antennas. Roof-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district and shall not extend more than ten feet above existing roof line.

2. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off site.

3. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

4. All equipment shelters, cabinets or other structures utilized or built in connection with the antenna facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries, and spill prevention, containment, and cleanup contingencies are included in its design.

5. Roof-mounted antennas shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations.

6. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.

7. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan, town plans, and all applicable development standards for the zoning district in which the facility is to be located, including, but not limited to, policies for protection of visual resources (i.e., County Code Chapter 20.504) and protection of sensitive habitat areas (i.e., County Code Chapter 20.496).

(D) New wireless communication facility**.** A new wireless communication facility, not otherwise building- or roof-mounted, shall be located and designed so as to be visually unobtrusive and effectively unnoticeable, not result in any adverse environmental impacts, and comply with the following standards:

1. No part of the facility shall exceed 50 feet in height above ground level, as defined in Section 20.308.025(L). All towers shall be designed to be the shortest height feasible so as to minimize visual impacts.

2. All wireless communication facilities shall be served by the minimum sized roads and parking areas as determined by Public Resources Code Section 4290 (i.e., State Fire Safe Regulations).

3. The wireless communication facility must be located in such a way as to have a backdrop of terrain which obscures the visibility of the facility and shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations. Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment). The siting and design criteria, as provided in Coastal Element Policies 3.5-4 and 3.5-8 and also the provisions within Section 20.504.015(C) of this Division, shall be utilized to provide for the protection of visual resources for all new wireless communication facilities.

4. Every wireless communication facility, by itself and in combination with other nearby wireless communication facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields.

5. All exterior surfaces of structures and equipment associated with a wireless communications facility shall have neutral, earth-tone colors and non-reflective materials selected to blend in hue and brightness with the surrounding environment.

6. Antenna towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.

7. Towers shall not be so tall as to require Federal Aviation Administration lighting or markings.

8. To minimize visual impact to surrounding residences and schools, antenna towers shall be subject to setbacks required by the County Zoning Code and shall be setback a minimum of 110% of their overall height from any property line, and a minimum of 500% of the their overall height from any off-site residence or school. Tower setbacks in excess of setback requirements by the Zoning Code may be reduced under any one of the following circumstances, subject to the processing of a Variance in accordance with Chapter 20.540 of this Division:

   (a) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.

   (b) Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.

9. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by state and federal agencies.

10. No trees that provide visual screening of the wireless communication 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.
11. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

12. A road condition assessment for the wireless communication facility shall be required for any facility that relies on shared private road/access. When required, and prior to development of the site, the applicant shall provide to the Department, an assessment of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

Prior to activation of the facility, or at a later date established by the Planning Director, any damage to the road associated with construction activity shall be repaired to condition that is equal to or better than the existing road condition.

Within two weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assessment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

Notice of project shall be provided by the Department of Planning and Building Services to all property owners that use the shared private road.

13. New wireless communication facilities in any portion of the Coastal Zone shall be consistent with applicable policies of the County Local Coastal Program (LCP) and the California Coastal Act. No portion of a wireless communication facility shall extend onto or impede access to a publicly used beach.

14. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan, town plans, and all applicable development standards for the zoning district in which the facility is to be located, including, but not limited to, policies for protection of visual resources (i.e. County Code Chapter 20.504) and protection of sensitive habitat areas (i.e., County Code Chapter 20.496).

Sec. 20.522.030 – Noticing.

(A) Coastal development use permits for wireless communication facility. All noticing for hearings on use permit applications for wireless communications facilities shall be in accordance with the California Environmental Quality Act, except that notice shall be provided to all owners and occupants of real property within 1,000 feet of the site proposed for the facility. Expanded public notice may be provided for applications for new antenna towers when deemed necessary by the Director.

Sec. 20.522.035 – Application Requirements.

The following items shall be required for each permit for a wireless communications facility.

(A) Coastal Development Use Permits

1. All application materials generally required for a coastal development use permit.

2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.

3. The Director may require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.

(B) Coastal Development Permits

1. All application materials generally required for a coastal development permit.

2. A description of the facility that includes:

   (a) The types of services to be provided by the applicant to its customers.

   (b) The numbers, types and dimensions of antennas and other equipment to be installed.

   (c) The power rating for all antennas and equipment.

(d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.

3. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.

4. Evidence of ownership or authorization for use of the proposed site.

5. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.

6. A site plan showing the location of all structures and equipment to be located on the site.

7. Elevations drawings of the facility including all structures and appurtenances.

8. The applicant shall submit any related information deemed necessary by the Director to determine that a proposed installation meets the Development Standards found in Section 20.522.025.

Sec. 20.522.040 – Required Findings for Wireless Communication Facilities

In order to grant any coastal development permit for a wireless communication facility, the approving body shall make the required coastal development permit findings (County Code Section 20.532.095 and 20.532.100) as well as the following findings:

(A) That either: (1) the development of the proposed wireless communications facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive habitat resources and/or other significant County resources, including agricultural, open space, and community character resources; or (2) there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned (including alternative locations and/or designs) with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.

(B) That the proposed wireless communication facility as conditioned is in compliance with all Federal Communication Commission standards and requirements.

(C) That the proposed wireless communication facility as conditioned is consistent with all the applicable requirements of the Local Coastal Program.

Any decision to deny a permit for a wireless communication facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

Sec. 20.522.045 – Validity

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. Findings. The Board of Supervisors finds:

1. That an Initial Study has been prepared for the project in accordance with the California Environmental Quality Act and that potential environmental impacts identified for the project can be adequately addressed by the identified development standards so that no significant adverse

environmental impacts will result from adoption of the proposed amendment; and that a Negative Declaration be adopted by the Board of Supervisors.

2. That the proposed amendment is consistent with the applicable goals and policies of the Local Coastal Plan.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this_____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

_____
DAN GJERDE, Chair
Mendocino County Board of Supervisors

ATTEST: CARMEL J. ANGELO
Clerk of said Board

By:_____

APPROVED AS TO FORM:

KATHARINE ELLIOTT, County Counsel

By: _____

DRAFT INITIAL STUDY AND ENVIRONMENTAL CHECKLIST
FOR

Mendocino County Coastal Wireless Communications Ordinance LCP Amendment

An Ordinance Amending Provisions of Division II of Title 20, Chapter 20, of the Mendocino County Coastal Zoning Code Relating to Wireless Communications
Ordinance Amendment (OA) 2015-0003

March 2016

Lead Agency:

County of Mendocino
Planning and Building Services
120 W. Fir Street
Fort Bragg, CA 95437

Prepared by:

PLANWEST PARTNERS, INC.

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Project Information

PROJECT TITLE:	Mendocino County Coastal Wireless Communications Ordinance LCP Amendment
LEAD AGENCY:	County of Mendocino
CONTACT:	Julia Acker Planning and Building Services 120 W. Fir Street Fort Bragg, CA 95437 (707) 964-5379 ackerj@co.mendocino.ca.us
PREPARED BY:	Planwest Partners, Inc. 1125 16th Street, Suite 200 Arcata, CA 95521 (707) 825-8260
PROJECT LOCATION:	Unincorporated areas of Mendocino County within the coastal zone, except for the Town of Mendocino (as delineated on Map 32 of the General Plan Coastal Element).
GENERAL PLAN DESIGNATION(s):	The proposed ordinance will apply to all General Plan Land Use designations within the unincorporated areas of the coastal zone in Mendocino County.
ZONING DESIGNATION(s):	The proposed ordinance will apply to all zoning districts within the unincorporated areas of the coastal zone in Mendocino County.

PROJECT SUMMARY:
The proposed ordinance will provide a consistent and comprehensive regulatory scheme for the development and operation of wireless communications facilities within the coastal zone; consistent with applicable local, state and federal regulations. The proposed ordinance will amend provisions of Division II of Title 20 – Coastal Zoning Code, adding Chapter 20.522 to the existing Zoning Code. The ordinance is intended to protect the aesthetic quality of the county and minimize the adverse impacts of wireless communications facilities while providing for the communications needs of residents, businesses, visitors, and government.

The proposed ordinance streamlines the permit processing for certain types of wireless facilities using the coastal development permit (CDP) process. The ordinance defines when wireless facilities may be exempt from discretionary review, subject to a CDP, and when a coastal development use permit (CDU) will be required. To qualify for a CDP the applicant would need to meet one or more of the four categories along with the standards identified for each. All other proposed wireless communication facilities that do not qualify for an exemption or the CDP process must apply for a CDU or as otherwise prescribed in the County Zoning Code.

BACKGROUND:
The County of Mendocino (County) recently adopted an ordinance amendment (OA 2014-0003) to define where and how wireless communications facilities may be installed in the inland unincorporated areas of Mendocino County (Division I of Title 20 Chapter 20.236). The County is now proposing to adopt similar standards that will apply to unincorporated areas within the coastal zone, except for the Town of

Mendocino (as delineated on Map 32 of the General Plan Coastal Element). Development in the Town of Mendocino is regulated by Division III of Title 20 of the Mendocino County Code (MCC).

Wireless communications facilities, commonly called "cell towers", are becoming increasingly common and the County receives applications for new towers each year. As cellular and broadband companies begin to implement wireless networks for the next generation of wireless service, the number of applications is expected to increase. Wireless communications facilities are an important component in the general communications needs of County residents and a vital link in the local emergency response network. The proposed ordinance was developed through stakeholder and public outreach and input was requested on the draft ordinance at public workshops.

PROJECT DESCRIPTION:
The proposed streamlined CDP process includes specific development standards that are intended to limit impacts of wireless facilities while protecting the public's health, safety, welfare, and coastal resources. All wireless communications facilities must comply with applicable goals, objectives and policies of the General Plan, Local Coastal Program (LCP), town plans, zoning regulations and the development standards defined in the ordinance. The proposed ordinance allows the processing of a CDP to streamline the planning process for the following types of wireless facilities (Section 20.522.020).

1. Additional antennas and associated equipment to be located upon an existing wireless communication facility (co-location).
2. Building-mounted antennas.
3. Roof-mounted antennas.
4. New wireless communication facility.

To qualify for a CDP the applicant would need to meet one or more of the four categories along with the standards identified for each. The first category recognizes the importance of utilizing co-location and allows for co-location applications to be approved by a CDP if the changes are minor. The second and third categories, building and roof mounted antennas, were added to encourage the use of existing structures without substantially changing the appearance or function of the structure and minimizing the need for new towers. The fourth category is included as an incentive for the wireless industry to construct wireless communication facilities less than 50 feet in height that are visibly unobtrusive and effectively unnoticeable rather than the typical 100 foot tall and higher self-support structures that are often proposed. If the application does not meet one of the four categories, and all applicable criteria, then the applicant must apply for a CDU.

The proposed ordinance provides exemptions from discretionary review for the following types of wireless facilities (Section 20.522.015):

- Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such Facilities shall be limited in height by Section 20.444.025.
- Commercial antenna additions to existing legal structures provided the antenna does not exceed the height limit for noncommercial antennas in the zoning district, is no more than one meter in diameter or width and which does not involve any ground disturbance, nor relies upon any equipment shelter, fenced enclosures, or a separate power generator. No more than three such antennas shall be located on any legal parcel without obtaining a Coastal Development Permit.

- Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., “wi-fi hotspots”).
- Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification shall be provided within 72 hours of installation.
- Any facility specifically exempted under federal or state law as determined by the Director.
- The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual appearance of the facility.

Developers are encouraged, even with exempt facilities, to locate and design facilities to minimize the aesthetic impacts, by designing facilities to be compatible with the existing surroundings. The exemptions set forth in this section apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission’s limits for human exposure to radio frequency electromagnetic fields. The exempt facilities are limited in height by applicable zoning district height standards, except as specifically noted. It also must be documented that exempt facilities would not have a risk of substantial adverse impacts on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean. Facilities determined to be exempt are required to obtain necessary building permits prior to commencing work.

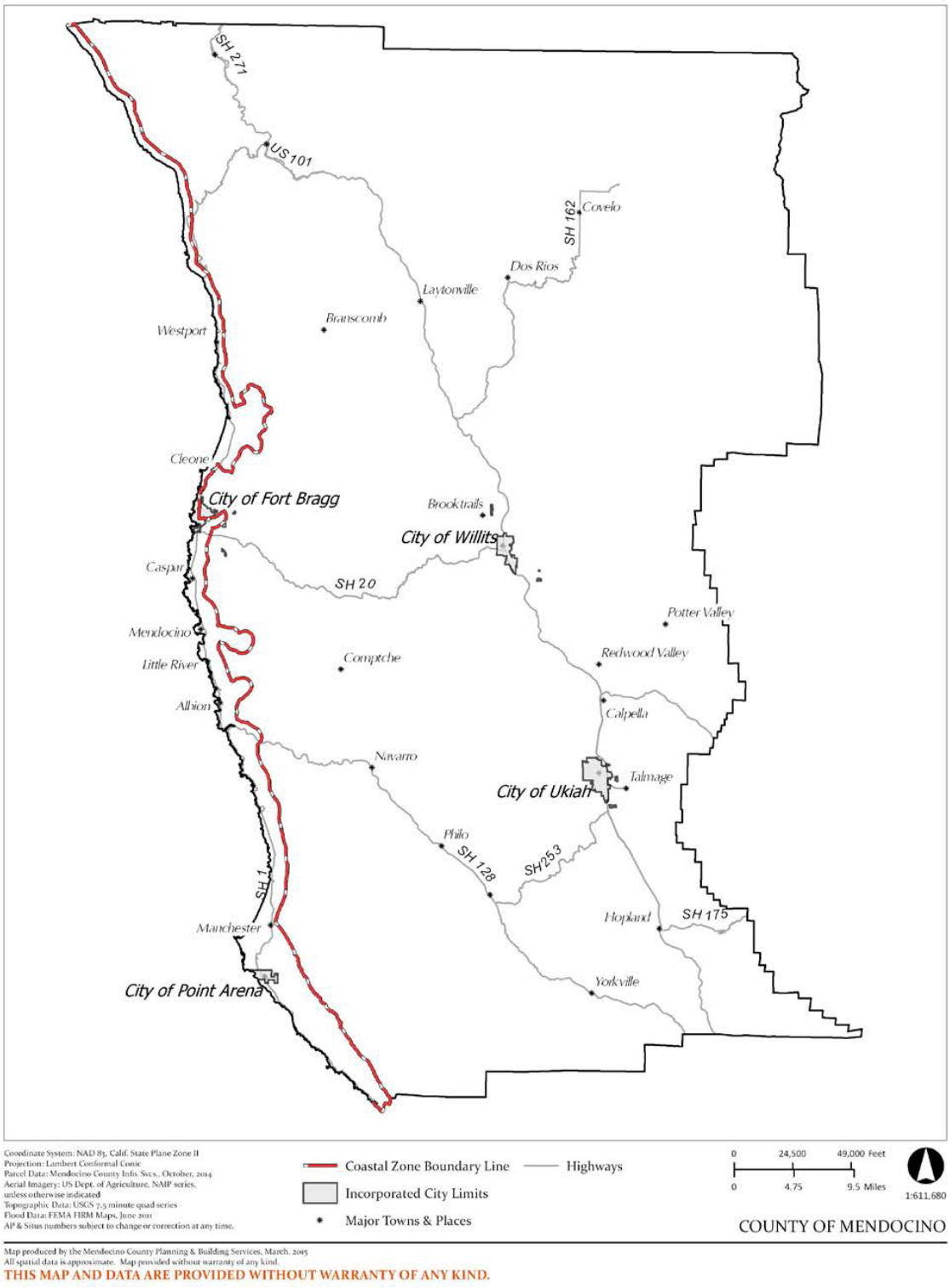
The proposed ordinance will allow facilities that meet specified development standards to be permitted through the CDP process. Coastal development permits are discretionary actions and subject to CEQA review. Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a CDP shall be taken by the Coastal Permit Administrator in the case of principal permitted uses, and by the Planning Commission in the case of CDU. The CDP process would be utilized to permit only those projects that are consistent with identified standards and would have a negligible impact to the site and surrounding area.

Local Coastal Program Amendment - Regulatory Framework
This proposed Local Coastal Program Amendment will only amend the Implementation Plan (IP) which is the zoning code portion of the LCP to include the proposed amendments. The standard of review for the proposed amendment is whether it conforms with and is adequate to carry out the certified Land Use Plan (LUP) – Mendocino County General Plan Coastal Element (1991). The coastal zoning ordinance must conform with and be adequate to carry out the objectives and policies of the LUP. The Coastal Element includes a discussion of development policies for resources including, but not limited to: habitats and natural resources; agriculture; forestry and soils resources; hazards management; visual resources; and transportation, utilities and public services. The analysis and conclusions in this document reference applicable LUP policies and consider conformity with each section’s policies.

SURROUNDING LAND USES AND SETTING: The proposed ordinance would be in effect within the coastal zone throughout the unincorporated areas of Mendocino County, except the Town of Mendocino as previously discussed.

ANTICIPATED PERMITS AND APPROVAL(s): The proposed ordinance will be scheduled for a public hearing before the Mendocino County Planning Commission. The Planning Commission will make recommendations to the Mendocino County Board of Supervisors. The Board of Supervisors must hear and adopt the ordinance, which then must be certified by the Coastal Commission for it to become effective.

Figure 1 Mendocino County Coastal Zone Boundary



Statement of Findings and Determination

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Population/Housing
☐ Agricultural & Forestry Resources	☐ Hazards & Hazardous Materials	☐ Public Services
☐ Air Quality	☐ Hydrology/Water Quality	☐ Recreation
☐ Biological Resources	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Geology/Soils	☐ Noise	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Printed Name For

Environmental Impacts Evaluation and Checklist

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be citied in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The analysis of each issue should identify:

   a) the significance criteria or threshold used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?			x	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			x	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			x	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

Regulatory Framework

California Coastal Act (CCA) Section 30251 pertains to visual and aesthetic resources and states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The Mendocino County General Plan Coastal Element Chapter 3.5 - Visual Resources, Special Communities, and Archaeological Resources, includes policies to provide visual resource protections. Following are summaries of applicable visual resources policies:

3.5-1 The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

3.5-3 Identifies highly scenic areas and provides for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. States new development should be subordinate to natural setting and minimize reflective surfaces.

3.5-4 Minimizes visual impact of development on hillsides.

3.5-6 Development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible.

3.5-8 Power transmission lines shall be located along established corridors. Elsewhere transmission lines shall be located to minimize visual prominence.

3.5-9 The location of all new access roads and driveways in rural areas shall be reviewed prior to any grading work to ensure safe location and minimum visual disturbance.

3.5-15 Installation of satellite receiving dishes shall require a coastal permit. In highly scenic areas, dishes shall be located so as to minimize visual impacts. Security lighting and floodlighting for occasional and/or emergency use shall be permitted in all areas. Minor additions to existing nightlighting for safety purposes shall be exempt from a coastal permit. In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

Discussion
Mendocino County's coast includes beaches, dunes, high bluffs, seastacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, river estuaries and rocky streams. Several towns, each with a distinct character, complement the natural landscape. The beauty and accessibility of the Mendocino coast have made it a heavily used tourist and recreational area. Scenic resources are the basis of the coast's tourist economy as well as a source of continuing pleasure for residents (Coastal Element, 1991). The proposed ordinance contains a number of provisions and standards that are intended to limit the visual impact of new and modified existing wireless communication facilities and codifies the impact avoidance measures outlined in existing advisory guidelines.

a-c) Structures associated with wireless communications facilities, including antennas, antenna towers, lighting, equipment shelters, generators, fences, and access roads have the potential to interfere with views, natural vegetation, and scenic areas. The cumulative effect of numerous facilities being developed by competing communication services providers can create unnecessary visual impacts through the development of functionally redundant facilities that could detract from the visual quality and aesthetic character of both the undeveloped natural areas and Mendocino County's small towns. The proposed ordinance is intended to limit the visual and aesthetic impacts of wireless facilities on coastal resources while protecting the public's health, safety, and welfare.

Under the proposed ordinance, projects that are not found to be exempt will be subject to a CDP or a CDU. For projects that qualify for a CDP the proposed ordinance contains a number of standards that will limit the visual impact of wireless communications facilities including: height and width limitations; colors must match or complement the building or structure to which they are attached; antennas must be mounted to minimize visibility; and the facilities must also comply with all applicable development standards for the zoning district (Section 20.522.025). In addition, in order to qualify for a CDP all proposed new wireless communication facilities must be "located and designed to be visually unobtrusive and effectively unnoticeable and shall not result in any adverse environmental impacts" (Section 20.522.025(D)). New facilities must comply with the following requirements: the new facilities must not exceed 50 feet; must be located to have a backdrop of terrain which obscures the visibility of the facility; all exterior structures must have subdued colors and non-reflective materials; and must have increased setback requirements near residences and schools; must limit tree and vegetation removal; must have a road condition assessment; must not extend onto or impede access to a publicly used beach; and must be consistent with the County LCP and all applicable development standards for the zoning district.

The proposed ordinance requires applicants to submit site plans, elevations, and other related information to show that the facility would meet the ordinance requirements. All proposed wireless communication facilities must be in compliance with the County General Plan/ Local Coastal Program and development standards for the zoning district for which the facility is to be located. As described above, the proposed ordinance includes specific development standards that minimize aesthetic impacts, and carry out the LUP policies. All wireless communication facilities must be found in compliance with these policies and that the proposed facilities would not significantly affect any designated visual resources.

Adoption of the proposed ordinance will allow some wireless communications facilities to be exempt from discretionary review, as outlined in the project description. However, if located in a designed Highly Scenic Area as mapped on the Land Use Planning Maps, certain types of

exemptions (i.e. commercial antenna additions) may not be considered exempt, and therefore subject to discretionary review. Exempt facilities are generally for private use, temporary emergency services, wi-fi hotspots, or involve minor modifications to existing facilities that will result in little or no change to the existing visual appearance. The facilities that are proposed to be exempt from discretionary review will continue to be subject to height limitations of the applicable zoning district. The majority of the potentially exempt facilities do not involve new construction or ground disturbance; as such, the aesthetic impacts would be limited. The proposed ordinance encourages developers to locate and design exempt facilities to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive (Section 20.522.015). It also must be documented that exempt facilities would not have a risk of substantial adverse impacts on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The CDP process and development standards ensure that proposed facilities would not have a substantial adverse effect on scenic vistas, scenic resources, and would not substantially degrade the existing visual character or quality of the area. Therefore, a **less than significant impact** would occur as a result of implementing the proposed ordinance.

d) The proposed ordinance requires new facilities to be constructed with and/or painted in subdued colors and non-reflective materials, selected to blend with their surroundings. Any new towers must not be so tall that they require Federal Aviation Administration lighting or markings. The current Mendocino County General Plan, in Policy RM-134, requires new development, "…to protect the qualities of the nighttime sky…by requiring that outdoor nighttime lighting is directed downward, …and reduced both in intensity and direction to the level necessary for safety and convenience." Coastal Element Policy 3.5-15 states "…no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible." These policies, in conjunction with the provisions of the new ordinance protect nighttime views as well as prevent new facilities from creating new sources of daytime glare.

Exempt facilities allowed by the proposed ordinance generally include private facilities, wi-fi hotspots, temporary emergency facilities, and minor modifications to existing facilities that have little or no change on visual appearance. None of the exempt facilities are anticipated to generate substantial light or glare which would adversely affect daytime or nighttime views. Therefore, a **less than significant impact** would occur as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
AGRICULTURE AND FOREST RESOURCES: Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring			x	

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
Program of the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			x	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			x	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			x	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?			x	

Regulatory Framework

The Coastal Act establishes agriculture as a priority use and seeks to maximize the amount of prime agricultural land in agricultural production, minimize conflicts between agricultural and urban land uses, and limit land use conversions to non-agricultural uses (CCA Sections 30241 and 30242). The Coastal Act also protects timberlands for timber production (CCA Sections 30243, 30106, 30417). The Mendocino County General Plan Coastal Element Chapter 3.2 - Agriculture includes policies to preserve agricultural land uses and Chapter 3.3 - Forestry and Soils includes policies related to forest resources. Following are summaries of applicable policies:

3.2 Agriculture

3.2-4 Zoning regulations shall not discourage compatible activities that enhance the economic viability of an agricultural operation as long as defined standards are met.

3.2-5 All other lands suitable for agricultural use shall not be converted to nonagricultural uses.

3.2-14 Where the lands west of Highway 1 are designated Rangeland or Agriculture, no vertical or lateral blufftop access shall be required at this time if it is found that the effects of the proposed access could not be mitigated and therefore would adversely affect the agricultural operation.

3.2-16 All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless certain conditions are met.

3.3 Forestry and Soils Resources

3.3-3 A timberland unit of commercial size shall not be divided into parcels smaller than 160 acres, and shall not be converted to uses other than the growing of timber and those compatible uses as identified in Chapter 2 under the Forest Land Classification.

3.3-7 The County shall support and promote reforestation and rehabilitation of understocked timberlands.

3.3-9 Limits residential uses and subdivisions adjacent to Commercial Timberlands.

In addition to the policies above, a number of other Mendocino County General Plan Agricultural Resources and Forest Resource Policies protect agricultural and timber resources from incompatible uses, incremental land conversion and fragmentation that could undermine the integrity, and economic viability of agricultural and timber operations (Chapter 4, Policies RM-100 through RM-125).

Discussion

Agricultural and forest resource areas in the county consist of Timber Production Zones (TPZ), and prime and non-prime agricultural soils that support pasture land, vineyards, orchards, and some row crops. Agricultural areas in Mendocino County occur primarily on the valley floors at lower elevations, and are often associated with populated areas in proximity to major roads and highways. In general, agricultural land in Mendocino County is dominated by vineyards, followed by pear and apple orchards, row crops, and pasture (Mendocino County General Plan, 2009). Coastal agriculture includes several nurseries principally raising fuchsias, azaleas, and rhododendrons (Coastal Element, 1991). Commercial and private timberlands cover substantial portions of the coastal zone.

a & b) Proposed wireless facilities that are not exempt will be subject to a CDP or a CDU. These discretionary permit processes give the opportunity to ensure that proposed projects are consistent with existing land use policies and zoning regulations and that the proposed facility is compatible with continued agricultural uses. Per the General Plan policies, constructing wireless communications facilities on agricultural parcels may not preclude existing or future agricultural uses.

While construction of a new wireless communications facility may remove a small portion of a parcel from agricultural use, the remainder of the parcel would continue to be available for agricultural production. Construction of wireless communications facilities as allowed under the proposed ordinance would not conflict with zoning for an agricultural use, nor prevent agriculture from occurring. The proposed ordinance discourages the use of guy wires on towers unless compelling evidence for their need can be shown. Guy wires can increase the area required for a tower and therefore limit the agricultural use in that area. The restriction on guy wires will help to reduce the area required by new wireless facilities by reducing the overall footprint.

Exempt facilities allowed by the proposed ordinance generally include private facilities, wi-fi hotspots, temporary emergency facilities, and minor modifications to existing facilities. Most of these are expected to be associated with existing buildings or facilities and therefore impacts would be limited and would not substantially affect agricultural uses.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. CDPs and CDUs for projects on agricultural land or within the AG, RL or FL zoning districts require specific agricultural land impact findings including, but not limited to: that the proposed use is compatible with the long-term protection of resource lands, and that the project ensures land use compatibility by maintain productivity of on-site and adjacent agricultural lands (MCC Sec. 20.532.100). The proposed ordinance would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses and would not conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, a **less than significant impact** would occur as a result of implementing the proposed ordinance.

c & d) Proposed wireless facilities that are not exempt will be subject to a CDP or a CDU. These discretionary permit processes give the opportunity to ensure that proposed projects are consistent with existing land use policies and zoning regulations and that the proposed facility is compatible with continued timberland uses. Per the General Plan policies, constructing wireless communications facilities on designated timberland parcels may not preclude existing or future timber production uses.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The proposed ordinance would not conflict with current zoning of forest land or timber production zones or result in conversion of forest land to a non-forest use. Therefore, a **less than significant impact** would occur as a result of implementing the proposed ordinance.

e) Because of the relatively small size of wireless communication facilities in relation to agricultural and TPZ parcels, new facilities would not prevent forest or agricultural uses from occurring on parcels where they are constructed. Wireless communication facilities must be found in conformance with the General Plan and LCP including the policies mentioned above that protect agricultural and timber resources from incompatible uses, incremental land conversion and fragmentation that could undermine the integrity, and economic viability of agricultural and timber operations. The proposed ordinance would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use. Therefore, a **less than significant impact** would occur as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
AIR QUALITY: Would the project:				
a) Conflict with or obstruct Implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

Regulatory Framework
Mendocino County is part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). MCAQMD District Regulation 4.1 provides particulate emissions reduction measures for wood burning appliances. To control PM_{10} the MCAQMD also recommends alternative heating sources to wood stoves, dust control techniques on construction sites, paving access roads or using dust suppressants for rural gravel roads (except for agricultural roads), and working to reduce traffic where possible.

Discussion
Mendocino County has generally good air quality and is in attainment for all federal air quality standards and all state standards except for particulate matter less than 10 microns in size (PM_{10}). The primary sources of PM_{10} are fugitive dust and wood combustion (wood stoves, fireplaces, and outdoor burning). In coastal areas salt from ocean spray also contributes to PM_{10} levels.

a) The proposed ordinance does not conflict with any rules or regulations put in place by the MCAQMD. The Air District has set rules for the installation of wood stoves, but not any related to the control of other PM_{10} sources. Because there are no woodstoves or other burning associated with the construction and operation of communications facilities, there would be **no impact** as a result of implementing the proposed ordinance.

b & c) As discussed, there are no applicable adopted standards set by the MCAQMD for regulating PM_{10}. The MCAQMD does not meet state standards for PM_{10} largely as result of fugitive dust and wood smoke from home fireplaces and salt from ocean spray. General Plan Policy RM-38 states that the County shall work to "reduce or mitigate particulate matter emissions resulting from development" (Mendocino County General Plan, 2009). In addition, Policy RM-43 directs the County to "reduce the effects of earth-moving, grading, clearing, and construction activities on air quality". The discretionary permit process provides opportunities for County staff to review applications to ensure that appropriate measures are taken to limit fugitive dust and PM_{10} emissions from construction activities.

Construction efforts are generally short term and operations of wireless towers are generally automated. Limited maintenance visits will not contribute substantially to air quality impacts as regular maintenance will generally require isolated visits by single vehicles. The proposed ordinance requires applicants to provide a road assessment that shows the condition of the access road prior to initiating construction. Once construction is complete, the applicant must prove to the County that any damage caused to the road form the construction effort has been repaired and that the access road is in as good or better condition than its pre-construction condition. This will help to prevent future fugitive dust impacts from damaged roads.

Operations of wireless communications facilities would not create an ongoing or permanent source of dust or other emissions that would contribute to a considerable net increase in PM_{10} or other pollutants. Construction efforts could create some fugitive dust but this would be intermittent and temporary.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The proposed ordinance would not violate any air

quality standard or contribute substantially to an existing or projected air quality violation and would not result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. Therefore, there would be a **less than significant** as a result of implementing the proposed ordinance.

d & e) Neither construction nor operation of wireless communications facilities would result in substantial pollution concentrations that could impact sensitive receptors, or result in objectionable odors. Sites in the more remote areas of Mendocino County would not impact sensitive receptors due to the rural nature of the county, and co-locating facilities or mounting antennas on roofs would not require materials or operations that would affect sensitive receptors or create objectionable odors in the more developed parts of the county. Therefore there would be **no impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			x	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			x	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation				x

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x

Regulatory Framework

The Coastal Act mandates the preservation of significant natural resources and habitats including, but not limited to marine resources, coastal waters, anadromous fish streams, riparian areas, wetlands, and rare or endangered plant and wildlife habitat (CCA Sections 30230, 30231, 30233, 30236, 30240, and 30607.1). The Mendocino County General Plan Coastal Element Chapter 3.1 - Habitats and Natural Resources includes policies related to biological resources. Following are summaries of applicable policies:

3.1-2 Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource.

3.1-4 Limits development within wetlands in accordance with the Coastal Act.

3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas.

3.1-10 Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses which are dependent on the riparian resources

3.1-12 Vehicle traffic, exclusive of that necessary for conducting timber harvest plans and farm implements, in wetlands and riparian areas shall be confined to roads.

3.1-13 All diking, dredging, and filling activities shall comply with the provisions of Sections 30233 and 30607.1 of the Coastal Act.

3.1-15 Dunes shall be preserved and protected as environmentally sensitive habitats for scientific, educational and passive recreational uses.

3.1-16 All dune landowners whose property is subject to dune encroachment shall be allowed to take reasonable actions which are deemed necessary to protect existing structures after obtaining a Coastal Development Permit.

3.1-24 Any development within designated resource areas, if not specifically addressed by other policies, shall be carefully reviewed and established in accord with conditions which could allow some development under mitigating conditions but would assure the continued protection of the resource.

3.1-33 Vegetation removal that constitutes "development", as defined in the glossary of this plan, shall require a coastal development permit. The granting of such permit shall be done only when the proposed development is consistent with all other sections and policies of this plan.

Discussion

Mendocino County is largely rural and forested and has a wide range of climates, topography, soils, and watershed conditions, all of which produce very diverse plant and animal communities. Vegetation predominant in the region includes valley grassland and oak woodland in lowlands and valleys, coastal scrub and prairies along the Pacific Ocean, and mixed chaparral, hardwood forest, and coniferous forest in the mountains (Mendocino County General Plan, 2009). Much of Mendocino's undeveloped coastal zone provides habitat for diverse species of plants and animals, many of which are vulnerable to

disturbance or destruction from human activities. Environmentally sensitive habitat areas include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, pygmy vegetation containing species of rare or endangered plants, and habitats of rare and endangered plants and animals (Coastal Element, 1991).

The Coastal Element Habitats and Natural Resources policies listed above protect natural landscapes and environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats by limiting development within these areas, requiring buffers and requiring special review to determine the current extent of the sensitive resource. Wireless facilities developed pursuant to the proposed ordinance must be found in compliance with these polices.

a-d) Wireless communications facilities subject to a CDP would include site evaluation during the discretionary review process. Projects must be found consistent with General Plan and Land Use Plan policies, which include protection of biological resources. Proposed ordinance Section 20.522.025(D) requires new wireless facilities to be located and designed to not result in any adverse environmental impacts. Under the proposed ordinance, roof mounted antennas may not be taller than the maximum allowed building height for the zone, nor can new antennas extend more than ten feet above the existing roof line. This, in conjunction with the limitation on guy wires, help minimize potential impacts to migratory birds.

Exempt facilities allowed by the proposed ordinance generally include private facilities, wi-fi hotspots, temporary emergency facilities, and minor modifications to existing facilities. Exempt facilities are generally limited to placing antennas on rooftops and existing buildings and minor alterations to existing facilities and would be unlikely to impact biological resources. It also must be documented that exempt facilities would not have a risk of substantial adverse impacts on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The discretionary approval process provides opportunities for review of specific projects to ensure protection of biological resources including making the finding that development of proposed wireless communication facilities would not significantly affect environmentally sensitive habitat resources. The proposed ordinance would not have a substantial adverse impact, either directly or through habitat modifications, on: any species identified as a candidate, sensitive, or special status species; any riparian habitat or other sensitive natural community; federally protected wetlands; and would not interfere substantially with the movement of any native resident or migratory fish or wildlife species. Therefore, there would be a **less than significant** to biological resources as a result of implementing the proposed ordinance.

e-f) The adoption of the proposed ordinance would not conflict with policies protecting biological resources. The discretionary approval process would provide opportunities for review of specific projects to ensure that future applications are consistent with existing General Plan and LCP policies protecting biological resources and consistent with any applicable habitat conservation plans. Therefore, there would be **no impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			x	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			x	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			x	
d) Disturb any human remains, including those interred outside of formal cemeteries?			x	
e) Cause a substantial adverse change in a site, feature, place, object, or landscape with cultural value to California Native American Tribes, pursuant to AB52?			x	

Regulatory Framework
The Coastal Act requires mitigation measures where development would adversely impact archaeological or paleontological resources (CCA 30244). The Mendocino County General Plan Coastal Element Chapter 3.5 includes the following policy related to archaeological resources.

3.5-10 The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource…

Additionally, Mendocino County Code Chapter 22.12 Archaeological Resources includes provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC Sec. 22.12.050 – 22.12.100).

Discussion
Mendocino County has a long history of occupation and use by Native American groups. The Russian and Eel Rivers and other watercourses, valleys, and coastal areas provide a rich and varied habitat for Native Americans who have occupied the area for over 6,000 years (General Plan Update DEIR 2008). The General Plan EIR documented 4,520 cultural resources (i.e. prehistoric sites, historic sites, and historic buildings/structures) in Mendocino County and suggests that the County should be considered sensitive for prehistoric and historic cultural resources, and exhibits a long history of use by Native Americans and Euromericans. Most of these identified resources are located in the coastal zone (General Plan Update DEIR 2008).

a-c & e) Wireless communications facilities subject to a CDP may include site evaluation during the discretionary review process. Standard discretionary permit procedures include review of internal

records related to historic and cultural resources, and consultation with agencies and tribal representatives. This process allows for evaluation of potential site specific impacts or potential conflicts with historic or cultural resources. Mendocino County Code Chapter 22.12 Archaeological Resources includes provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC Sec. 22.12.050 – 22.12.100).

Exempt facilities allowed by the proposed ordinance generally include private facilities, wi-fi hotspots, temporary emergency facilities, and minor modifications to existing facilities. Exempt facilities are generally limited to placing antennas on rooftops and existing buildings and minor alterations to existing facilities and would require minimal, if any, ground disturbance, and would be unlikely to have an impact on historic or cultural resources. The County's "Standard Discovery Clause" (MCC 22.12.090) would also apply in the event that unknown resources were identified.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The discretionary approval process provides opportunities for review of specific projects to ensure protection of cultural resources. In addition, findings for all discretionary permits include that there will be no adverse impacts to any known archaeological or paleontological resource (MCC Sec. 20.532.095). Proposed ordinance Section 20.522.025(D) requires new wireless facilities to be located and designed to not result in any adverse environmental impacts. The proposed ordinance would not substantially impact historic resources, archaeological resources, paleontological or unique geological resources, and would not cause a substantial adverse change to a tribal cultural resource. There would be a **less than significant impact** to as a result of implementing the proposed ordinance.

d) Proposed ordinance adoption does not have the potential to directly disturb human remains. Wireless communications facilities exempt from discretionary review, and those requiring a CDP are subject to state law regarding disturbance of human remains. As provided in Public Resources Code, Section 5097.98 if human remains are discovered during project construction, work must cease and the coroner must be contacted. The coroner is responsible for contacting appropriate Native American tribes. Mendocino County Code Chapter 22.12 Archaeological Resources includes provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC Sec. 22.12.050 – 22.12.100). Therefore, there would be a **less than significant impact** to disturbance of human remains as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake			x	

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?				x
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				x
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				x

Regulatory Framework

The Coastal Act requires that new development minimize risks to life and property in areas of high geologic hazard (CCA Section 30253). The Mendocino County General Plan Coastal Element Chapter 3.4 - Hazards Management includes policies related to geology and soils. Following are summaries of applicable policies:

3.4-1 The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats.

3.4-3 The County shall review development proposals for compliance with the Alquist-Priolo Earthquake Fault Zoning Map.

3.4-7 The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years).

3.4-10 No development shall be permitted on the bluff face because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development.

Discussion
Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the county (Mendocino County General Plan, 2009). Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan.

a i-v) Multiple active faults, capable of producing strong seismic shaking, are located within the region and throughout coastal northern California. As noted in the Coastal Element policies above, CDPs are reviewed to determine threats from and impacts on geologic hazards, and for compliance with the Alquist –Priolo Earthquake Fault Zoning Map. Additionally, proposed ordinance Section 20.522.025(D) requires new wireless facilities to be located and designed to not result in any adverse environmental impacts. Building permits would be required for both discretionary and exempt projects. Geologic investigations are sometimes required either during the CDP or building permit process. Building codes include provisions intended to strengthen structures against earthquakes and prevent development on untreated slopes prone to landslides.

The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. Implementing the proposed ordinance would not expose people or structures to substantial adverse impacts involving rupture of a known earthquake fault, strong seismic shaking, liquefaction, or landslides. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

b) The proposed ordinance would not contribute to substantial erosion or loss of topsoil. Wireless communications facilities that would be exempt from discretionary review under the proposed ordinance are limited in size and purpose, and would require minimal, if any, ground disturbance. For wireless communications facilities found to be subject to discretionary review, projects must be found consistent with policies in the General Plan. Specifically the Coastal Element policies listed above and General Plan policies RM-59 through RM-64 which protect soil resources and require that discretionary projects promote soil conservation practices and require that development, "…shall be located, designed, constructed, and managed …to protect soil resources, and minimize soil loss and erosion" (Policy RM-61) (Mendocino County General Plan, 2009). Therefore, there would be a **less than significant impact** as a result of implementing the proposed ordinance.

c & d) The ordinance will not result in wireless communications facilities being built on a geologic unit or soils that are unstable or that would become unstable as a result of construction or located on expansive soils. Building permits will be required for both discretionary and exempt projects. Building codes include provisions intended to ensure structures and their foundations are engineered to be suitable for the geologic zone and soil types in which they are located. Therefore, there would be **no impact** as a result of implementing the proposed ordinance.

e) Adoption of the proposed ordinance would have no impact on wastewater disposal or onsite septic systems. Wireless communications facilities do not typically involve the construction of restrooms or other facilities that would generate wastewater. Therefore, there would be **no impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				x

Regulatory Framework
The framework for regulating GHG emissions is California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

Discussion
Because Mendocino County is primarily rural, the amount of greenhouse gases (GHG) generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties (Mendocino General Plan, 2009).

a) Construction activities associated with wireless communications facilities could generate GHGs from the engine emissions of construction equipment, but these activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Once constructed, wireless facilities require power to operate, however energy use and associated GHG emissions would be minimal. Given that construction is short term and the project scale is relatively small, the proposed ordinance would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level. Therefore there would be a **less than significant impact** as a result of implementing the proposed ordinance.

b) Mendocino County's General Plan focuses on energy development and energy policy in its response to GHGs. Because the construction or expansion of existing wireless communications facilities would not conflict with such policies and would not require additional energy development or create a need for additional energy generation facilities, there would be **no impact** as a result of the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			x	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

Regulatory Framework
The Coastal Act addresses hazardous materials and protection against the spillage of crude oil, gas, petroleum products, or hazardous substances in Section 30232. Mendocino County has adopted numerous plans related to hazard management and mitigation including, but not limited to: Community Wildfire Protection Plan, Multi-Hazard Mitigation Plan, Hazardous Waste Management Plan, and Operational Area Emergency Plan.

Discussion
Wireless facilities do not require the routine transport, use, or disposal of hazardous materials. Some sites may use diesel generators as a backup power source, which requires fuel to be stored on site. Batteries are often used on site to ensure a consistent power supply in the event of a power outage in the time between when grid power is lost and the backup generators come on line.

a, b) The construction and operation of wireless communications facilities does not require the routine use, transport, or handling of hazardous materials. Depending on the nature of the site, diesel or gasoline may be stored to power onsite generators. These would be contained according to applicable regulations. Development standards are provided within the proposed ordinance which would require spill prevention, containment, and cleanup contingencies to be included in project design if a fuel powered generator is proposed. These would not create significant hazard to the public, or the environment, through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the amount of fuel stored would be relatively small and tanks would be contained as required by applicable laws. Facilities placed on existing buildings would likely not require additional power sources or fuel supplies. There would be **no impact** as a result of implementing the proposed ordinance.

c) There are no emissions, such as exhausts or chemicals, or materials, substances, or waste associated with wireless communications facilities that could present a health hazard to nearby residents, with the exception of radio frequency radiation. However, the proposed ordinance states in section 20.522.025 (A)4 that "the combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission." Furthermore, section 20.522.025(D)4 states that "every wireless communication facility, by itself and in combination with other nearby wireless communications facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields." This applies to both new wireless installations and cumulative increases in radio frequency radiation resulting from new additional antennas being co-located on existing facilities. There is no evidence that radio frequency radiation within the limits established by the Federal Communications Commission presents a health or safety risk. Therefore, there would be a **less than significant impact** from emissions as a result of implementing the proposed ordinance.

d) The proposed ordinance would be applicable within the coastal zone in unincorporated Mendocino County. There is no human habitation related to wireless communications facilities. After construction maintenance visits to wireless communications facilities are typically intermittent. Should a wireless communications facility be proposed on a site that is included in the list of hazardous materials sites, compiled pursuant to Government Code Section 65962.5, it is unlikely to result in a significant hazard to the public or the environment. Therefore, there would be a **less than significant impact** as a result of implementing the proposed ordinance.

e, f) The proposed ordinance would be applicable within the coastal zone in unincorporated Mendocino County. Areas of the county that are within the established flight zones of air strips are subject to the regulations contained in the Mendocino County Airport Comprehensive Land Use Plan. Specific compatibility zones near airports may require additional restrictions on height. These additional restrictions would be reflected in the zoning for a parcel. Both exempt wireless communications facilities and those requiring discretionary review would be reviewed for compliance with zoning. There would be **no impact** as a result of implementing the proposed ordinance.

g) The proposed ordinance would not have an effect on the execution of emergency response plans or evacuation plans. There would be **no impact** as a result of implementing the proposed ordinance.

h) New communications facilities could be exposed to wildland fires due to the fact that such facilities are often built at the edges of developed areas. However, areas around these facilities are often cleared of vegetation, which can reduce the risk of damage by fire. In addition, these remote facilities are not manned and therefore will not routinely expose workers to increased risk from wildfire. Facilities placed on buildings and roofs would be subject to rules and regulations for defensible space and fire suppression systems; the County typically requests clearance from the California Department of Forestry and Fire Protection for defensible space compliance. The proposed ordinance would not expose people or structures to a significant risk involving wildland fires. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?				x
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?			x	
d) Substantially alter the existing drainage pattern of the site or area, including			x	

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			x	
f) Otherwise substantially degrade water quality?			x	
g) Place housing within a 100-year flood hazard Area 1 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
j) Inundation by seiche, tsunami, or mudflow?			x	

Regulatory Framework

The Coastal Act mandates the preservation of significant natural resources, biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health (CCA Section 30231). The Mendocino County General Plan Coastal Element Chapter 3.1 - Habitats and Natural Resources includes policies related to protection of environmentally sensitive habitat areas and maintaining water quality by minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Discussion

The adoption of the proposed ordinance would not have any impact on water quality, groundwater recharge, or expose people or structures to risk from tsunami, mudflow, or seiche. The construction regulated by the proposed ordinance is also unlikely to impact water quality. Antennas proposed on existing buildings or co-located on existing towers would not change drainage patterns compared to the existing condition. New wireless communications facilities, such as communications towers, create a minimal amount of impervious surface as compared to the area around them. In the mostly rural areas of Mendocino County, the relatively small size of new towers would preclude significant impacts to

hydrology or water quality.

a) New facilities are unlikely to violate water quality standards based on the small amount of impervious surfaces associated with new communications facilities. Co-located facilities will have no impact on impervious surface as compared to the existing condition, and antennas attached to existing building or located on roofs will not change building footprints. There are no water quality standards that would be violated by construction of new facilities and the building permit process requires designation of Best Management Practices (BMPs) for all construction projects. Large sites (over an acre) that would be graded would be required to obtain Stormwater Pollution Prevention Plans (SWPPP). Wireless communications facilities do not generate wastewater, and therefore would have no impact on wastewater discharge requirements. There would be **no impact** as a result of implementing the proposed ordinance.

b) Wireless communications facilities do not require groundwater to operate, and are unlikely to significantly alter groundwater recharge given the small impervious footprint associated with facilities. Therefore there would be **no impact** as a result of adopting the proposed ordinance.

c,d,e&f) Antennas located on buildings or rooftops would not alter drainage patterns around the buildings they would be mounted on. For larger, non-exempt wireless facilities, the discretionary review process would provide opportunities to address any potential water quality issues and storm drain impacts associated with a particular site. As discussed, the construction of new wireless communications facilities are not likely to substantially alter the drainage pattern of the site they are constructed on. The small amount of impervious surface would not contribute substantially to additional runoff to a municipal or county operated storm drain system, nor would they create polluted runoff. Because of the small impervious footprint of these types of facilities, and the fact that water is not necessary for their operation, it is unlikely that any water quality impacts would occur as a result of these facilities. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

g, h &i) New housing is not associated with the construction of wireless communications facilities. If communications facilities are proposed to be placed on new housing, the building requirements associated with the construction of the building would address flood plain impacts. The ordinance requires that “antennas, connections, and supports shall be located on a legal structure that has obtained all necessary permits”. All new wireless facilities will require building permits, the issuance of which is dependent on demonstrating compliance with applicable federal flood regulations. Therefore the proposed ordinance would not place housing or structures within the 100-year flood hazard area that would impede or redirect flood flows or expose people or structures to a significant risk involving flooding. **No impact** would occur as a result of implementing the proposed ordinance.

j) Wireless communications facilities could be exposed to seiche, tsunami or mudflow due to the fact that the proposed ordinance applies within the coastal zone. However, wireless facilities that would be co-located on existing structures would not alter building footprints and would require a building permit. New facilities are generally located on high ground that would unlikely be subject to such events. In addition, these remote facilities are not manned and therefore would not routinely expose workers to increased risk from these events. The proposed ordinance would result in inundation by seiche, tsunami or mudflow. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				x
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

Regulatory Framework
This proposed Local Coastal Program Amendment will only amend the Implementation Plan (IP) which is the zoning code portion of the LCP to include the proposed amendments. The standard of review for the proposed amendment is weather it conforms with and is adequate to carry out the certified Land Use Plan (LUP) – Mendocino County General Plan Coastal Element. The coastal zoning ordinance must conform with and be adequate to carry out the objectives and policies of the LUP.

Discussion
The proposed ordinance would apply within the coastal zone to the unincorporated areas of Mendocino County. Wireless communications facilities that will be exempt from discretionary review under the proposed ordinance are limited in size and purpose and must be consistent with the height limits of the zone in which they are proposed. More substantial wireless communications facilities will require discretionary review and be evaluated for conformance with applicable General Plan/LCP policies, zoning regulations and subject to review under CEQA.

a-c) Adopting the proposed ordinance would not physically divide an established community nor conflict with any applicable habitat conservation plan or natural community conservation plan. The proposed ordinance conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and LCP. The ordinance would establish additional County code and not conflict with any existing County land use plan or policy. There would be **no impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
MINERAL RESOURCES: Would the project:				

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				x

Discussion

A variety of minerals resources are known to exist in the county. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits (General Plan 2009).

a-b) The adoption of the proposed ordinance would not conflict with existing mineral resource operations. Proposed communications facilities would be sited as to prevent conflicts with existing operations as directed by Action item RM-65.1 and Policy RM-66. Due to the generally small size of communication facilities, it is unlikely that a single facility would result in the loss of availability of a locally important mineral resource. Therefore there would be **no impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
NOISE: Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			x	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				x
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
e) For a project located within an airport				

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			x	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			x	

Regulatory Framework
The Mendocino County General Plan sets forth goals and policies related to noise and land use compatibility (Policies DE-98 through DE-110). For the protection of noise sensitive land uses, the County has adopted noise standards for determination of land use compatibility based on receiving land use designation and time of day. These noise standards are identified in the Coastal Zoning Code (Title 20, Division II, Appendix B).

Discussion
Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, and recreation and community facilities. Highways with traffic that generate significant noise include U.S. Highway 101 and the State Routes (1, 20, 128, 162, 175, and 253). The only active railroad operation in Mendocino County is the Skunk Train passenger line, which runs between the cities of Fort Bragg and Willits. Public use airports are located in or near Ukiah, Willits, Covelo, Boonville, Gualala, and Little River. Major industrial noise sources are primarily lumber mills and timber products facilities (General Plan 2009).

a, b) Adopting the proposed ordinance would not expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance. Installing antennas on buildings or roofs, or co-locating antennas on existing structures would not create excessive ground borne vibration or ground borne noise. Construction of new wireless communications facilities, such as cell towers, could create ground borne vibration and noise, but this would be temporary and would not impact nearby receptors once construction was finished. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

c) Wireless communications facilities do not create significant noise or vibration in the course of normal operations. Some facilities may propose the use of diesel or gasoline generators as back-up power sources in the event of a power outage. The proposed ordinance contains language in sections 20.522.025(B)6 and 20.522.025(D)11 that prevents the use of these generators unless the applicant can demonstrate that the generators will be inaudible beyond the boundaries of the property containing the wireless facility. Therefore, there will be **no impact** as a result of the proposed ordinance.

d) The operation of wireless communications facilities would not increase periodic ambient noise levels in the project vicinity. Antennas or other facilities located on buildings or roofs would not expose occupants to increased noised levels. Construction could increase noise levels temporarily during the construction period. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

e, f) Once construction is completed, operations at wireless communications facilities would be automated and require minimal and periodic maintenance. Workers would not be subjected to excessive noise levels from public or private airstrips. Construction workers may be exposed to higher ambient noise levels, but construction efforts are short term and workers are expected to comply with occupational safety regulations and wear proper safety equipment. There would be a **less than significant impact** as a result of implementing the proposed ordinance.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant with Mitigation**	**Less Than Significant**	**No Impact**
POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				x
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				x

Discussion

Wireless communications facilities are an important component of communication and emergency infrastructure. Wireless communications facilities addressed in the proposed ordinance are intended to support the communication needs of the existing and future population of Mendocino County. The ordinance does not include policies that would induce population growth.

a-c) The adoption of the proposed ordinance would not induce population growth. Wireless communications facilities will support existing and future communication needs. The ordinance does not encourage, promote, or otherwise incentivize the construction of wireless communications facilities. The adoption of the proposed ordinance, construction of new facilities, or the co-location of new antennas on existing facilities would not displace people or housing. There would be **no impact** as a result of the implementing the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				x
b) Police protection?				x
c) Schools?				x
d) Parks?				x
e) Other public facilities?				x

Discussion
The proposed ordinance exempts from discretionary review temporary communications facilities exclusively used for emergency situations. This will allow these entities to construct facilities as needed to provide adequate coverage and service during emergencies.

a-e) Nothing in the ordinance interferes with fire or police protection or generates the need for physical changes to parks, schools, or other public facilities. The construction of wireless communications facilities is unlikely to impact parks or other recreational and public facilities. Therefore, there would be **no impact** as a result of adopting the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
RECREATION: Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

Regulatory Framework
The Coastal Act gives priority to recreational use; encourages the provision of support facilities, especially those available to the public at a low cost; and defines public shoreline access policies. The Mendocino County General Plan Coastal Element Chapter 3.7 - Recreation and Visitor Serving Facilities includes policies to carry out applicable Coastal Act provisions.

Discussion
a-b) The proposed ordinance would not directly or indirectly induce substantial population growth.

Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project does not include and would not require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. **No impact** would occur.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.				x
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				x
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				x

Regulatory Framework

Coastal Act Section 30254 states that new or expanded public works facilities (including transportation facilities) shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of that division. Mendocino County General Plan Coastal Element Chapter 3.8 - Transportation, Utilities, and Public Services includes policies to carry out applicable Coastal Act provisions.

Discussion
The proposed ordinance clarifies how and where wireless communications facilities could be built and located. The ordinance does not encourage, promote, or otherwise incentivize the construction of new wireless communications facilities. Traffic related impacts of wireless communications facilities are minimal and limited to construction and potential intermittent site visits by workers. The adoption of the ordinance would not increase the overall demand for wireless communications facilities.

a, b) The proposed ordinance would not conflict with an applicable plan, ordinance, or policy that establishes measures of effectiveness for the local circulation system, nor would it conflict with a congestion management program. There would be **no impact** as a result of implementing the proposed ordinance.

c) Towers constructed under the proposed ordinance would not change or create an increase in air traffic patterns. Any towers tall enough to be subject to FAA lighting would require discretionary review and would need to demonstrate that they do not pose a safety risk to air traffic. There would be **no impact** as a result of adopting the proposed ordinance.

d) The adoption of the ordinance does not increase the potential for wireless facilities to increase transportation hazards due to design features or incompatible uses. Proposed ordinance Section 20.522.025(D)12 requires a road condition assessment for any facility that relies on shared private road/access. The assessment would document baseline and post construction road conditions and requires "any damage to the road associated with construction activity shall be repaired to a condition that is equal to or better than existing road conditions." There would be **no impact** on road hazards and design.

e) The proposed ordinance would not result in inadequate emergency access or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Emergency response communication systems could be improved by streamlining the permitting process for wireless communication facilities, which play a significant role in emergency response services in rural areas of Mendocino County. There would be **no impact** on emergency access and public transit.

Issues and Supporting Information	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				x
b) Require or result in the construction of new water or wastewater treatment				x

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				x
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				x
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				x
g) Comply with federal, state, and local statutes and regulations related to solid waste?				x

Regulatory Framework
Coastal Act Section 30254 states that new or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of that division. Mendocino County General Plan Coastal Element Chapter 3.8 - Transportation, Utilities, and Public Services includes policies to carry out applicable Coastal Act provisions.

Discussion
Wireless communications facilities do not require water, wastewater, or solid waste service. New towers in Mendocino County are unlikely to be in urbanized areas where storm water runoff would be an issue. Once new facilities are constructed there would be no solid waste generated, or additional water required for operations.

a-g) Because wireless communications facilities require no water, wastewater, or solid waste service to operate, there would be **no impact** to utility systems as a result of the proposed ordinance.

Issues and Supporting Information	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			x	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			x	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			x	

Discussion:
Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

a) Based on the findings in this Initial Study, the proposed ordinance would have a **less than significant impact** related to the potential to degrade the quality of the environment, substantially reduce habitat values, or otherwise impact listed species. See Biological Resources Section for a specific discussion of biological resources supporting this finding. The proposed ordinance would

not eliminate important examples of California history or prehistory. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

b) No cumulative impacts have been identified as a result of the proposed ordinance. The proposed ordinance does not encourage, promote, or otherwise incentivize the construction of wireless communications facilities. The project's individual impacts would not add appreciably to any existing or foreseeable future significant cumulative impact, such as visual quality, historic resources, traffic impacts, or air quality degradation. Incremental impacts, if any, would be small and undetectable. All potential impacts would be **less than significant**.

c) Based on the findings in this Initial Study, the proposed ordinance would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly. The proposed ordinance is consistent with the General Plan, LCP, and zoning requirements, and development standards to reduce potential impacts have been incorporated into the ordinance. All potential impacts would be **less than significant**.

References

LACO Associates, 2015. Initial Study and Environmental Checklist for An Ordinance Changing Provisions of Title 20, Division 1 of the Mendocino County Code (Wireless Communications Tower Installation). Negative Declaration adopted by Mendocino County Board of Supervisors May 2015.

Mendocino County General Plan Coastal Element, Revised 1991. Coastal Commission Certified 1985.

Mendocino County General Plan, August 2009.

PMC, 2008. County of Mendocino General Plan Update Draft Environmental Impact Report (DEIR), September 2008.

ORDINANCE NO.4341

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 20, DIVISION I OF THE MENDOCINO COUNTY CODE RELATING TO WIRELESS COMMUNICATIONS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the following amendments and additions to the Mendocino County Code are hereby adopted:

Section 1. The following new definitions are added to Section 20.008.020 Definition (A) in their respective alphabetical positions:

"Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.

"Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than 10 feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.

"Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.

"Antenna tower" means any pole, tower, or other structure, over 10 feet tall, erected for the purpose of supporting one or more antennas.

Section 2. The following new definition is added to Section 20.008.024 – Definitions (C) in its alphabetical position:

"Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased.

Section 3. The following new definition is added to Section 20.008.060 – Definitions (W) in its alphabetical position:

"Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

Section 4. Section 20.236.015 - Prior Applications is hereby renamed "Exempt Facilities", and amended to read as follows:

The following wireless communication facilities are exempt from the requirements of this Chapter:

(A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such facilities shall be limited in height by Section 20.152.025.

(B) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., "wi-fi hotspots").

(C) Government-owned communications facilities used exclusively to protect public health, safety and welfare.

(D) Facilities operated and used exclusively by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.

(E) Facilities operated and used exclusively by educational facilities for use in the provision of those services.

(F) Any facility specifically exempted under federal or state law as determined by the Director.

(G) Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification shall be provided within 72 hours of installation.

(H) The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual appearance of the facility.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields. Facilities determined to be exempt from this Chapter are required to obtain necessary building permits prior to commencing work.

Except as specifically noted, the exempt facilities set forth in this section shall be limited in height by the applicable zoning district height standard.

Wherever feasible, developers shall be encouraged to locate and design the exempt facilities set forth in this section to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive.

Section 5. Section 20.236.020 - Private Antennas, is hereby renamed "Permit Process", and amended to read as follows.

(A) All projects that meet the definition of an "eligible facilities request" as defined in 47 Code of Federal Regulations ("C.F.R."). 1.40001 shall be permitted upon the issuance of an Administrative Permit. Applications for an "eligible facilities request" shall be processed pursuant to the definitions, requirements and procedures set forth in 47 C.F.R. 1.40001, as may be amended from time to time; for the purpose of reviewing an "eligible facilities request," the definitions and procedures of 47 C.F.R. 1.40001 shall control and supersede any contrary definitions or procedures of this Chapter. Any guidelines or regulations adopted by the County regarding wireless communications facilities shall incorporate or make reference to the provisions of 47 C.F.R. 1.40001.

(B) Provided a project is consistent with the Development Standards found in Section 20.236.025, as determined by the Director, the following types of wireless communication facilities and associated uses are permitted upon the issuance of an Administrative Permit:

1. Additional antennas and associated equipment to be located upon an existing wireless communication facility.

2. Building-mounted antennas.

3. Roof-mounted antennas.

4. New wireless communication facility.

(C) All other proposed wireless communication facilities that do not qualify for an exemption or the Administrative Permit process must apply for a Major Use Permit or as otherwise prescribed in the County Zoning Code.

Section 6. Existing Section 20.236.025 – Validity is hereby renumbered and relocated to Section 20.236.040.

Section 7. A new Section 20.236.025 - Development Standards is hereby adopted to read as follows:

(A) Additional antennas and associated equipment to be located upon an existing wireless communication facility shall comply with all of the following standards:

1. The type and size of the new antennas, associated equipment, and any improvements shall be consistent with the requirements of the original use permit(s) and other governing permit(s).

2. The new antenna array shall not increase the height of the existing communication tower beyond what was approved by previous applicable permits.

3. The width of the proposed antenna array shall not exceed the width of the existing array or arrays.

4. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(B) Building-mounted antennas. Building-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. The antenna and mountings shall not project more than 30 inches from the building surface to which it is mounted.

2. Building-mounted antennas shall not exceed the maximum building height for the zoning district.

3. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.

4. Antennas and connections shall not project more than 36 inches above the side of the building or structure upon which it is mounted.

5. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

6. All equipment shelters, cabinets or other structures appurtenant to the facility shall be located either; 1) inside the building upon which facility is mounted, 2) on the ground outside the setback area or any required parking area, 3) on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

7. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

8. Antennas mounted on the exterior walls of a building entirely below the roof line or parapet top may extend into any required yard setback a distance not exceeding two feet.

(C) Roof-mounted antennas. Roof-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district and shall not extend more than ten feet above existing roof line.

2. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.

3. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

4. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

5. Roof-mounted antennas shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations.

6. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(D) New wireless communication facility. A new wireless communication facility shall be located and designed so as to be visually unobtrusive and effectively unnoticeable and shall not result in any adverse environmental impacts. To this end, they must comply with the following standards:

1. No part of the facility shall exceed 50 feet in height above ground level.

2. The wireless communication facility must be located in such a way as to have a backdrop of terrain which obscures the visibility of the facility and shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment).

3. Every wireless communication facility, by itself and in combination with other nearby wireless communication facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields.

4. All exterior surfaces of structures and equipment associated with a wireless communications facility shall have subdued colors and non-reflective materials selected to blend with their surroundings.

5. Antenna towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.

6. Towers shall not be so tall as to require Federal Aviation Administration lighting or markings.

7. Antenna towers shall be subject to setbacks required by the County Zoning Code and shall be setback a minimum of 110% of their overall height from any property line, and a minimum of 500% of the their overall height from any off-site residence or school. Tower setbacks in excess of setback requirements by the Zoning Code may be reduced under any one of the following circumstances:

(a) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.

(b) Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.

8. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by state and federal agencies.

9. No trees that provide visual screening of the wireless communication 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.

10. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

11. A road condition assessment for the wireless communication facility shall be required for any facility that relies on shared private road/access. When required, and prior to development of the site, the applicant shall provide to the Department, an assessment of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

    Prior to activation of the facility, or at a later date established by the Planning Director, any damage to the road associated with construction activity shall be repaired to condition that is equal to or better than the existing road condition.

    Within two weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assessment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

Notice of project shall be provided by the Department of Planning and Building Services to all property owners that use the shared private road.

Section 8. A new Section 20.236.030 - Noticing is hereby added to Chapter 20.236 to read as follows:

(A) Use permits for wireless communication facility. All noticing for hearings on use permit applications for wireless communications facilities shall be in accordance with the California Environmental Quality Act, except that notice shall be provided to all owners and occupants of real property within 1,000 feet of the site proposed for the facility. Expanded public notice may be provided for applications for new antenna towers when deemed necessary by the Director.

Section 9. A new Section 20.236.035 - Application Requirements is hereby added to Chapter 20.236 to read as follows:

The following items shall be required for each permit for a wireless communications facility.

(A) Use Permits

1. All application materials generally required for a use permit.

2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.

3. The Director may require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.

(B) Administrative Permits

1. A description of the facility that includes:

   (a) The types of services to be provided by the applicant to its customers.

   (b) The numbers, types and dimensions of antennas and other equipment to be installed.

   (c) The power rating for all antennas and equipment.

   (d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.

2. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.

3. Evidence of ownership or authorization for use of the proposed site.

4. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.

5. A site plan showing the location of all structures and equipment to be located on the site.

6. Elevations drawings of the facility including all structures and appurtenances.

7. The applicant shall submit any related information deemed necessary by the Director to determine that a proposed installation meets the Development Standards found in Section 20.236.035.

Section 10. Findings. The Board of Supervisors finds:

1. That an Initial Study has been prepared for the project in accordance with the California Environmental Quality Act and that potential environmental impacts identified for the project can be adequately addressed by the identified development standards so that no significant adverse environmental impacts will result from adoption of the proposed amendment; and that a Negative Declaration be adopted by the Board of Supervisors.

2. That the proposed amendment is consistent with the applicable goals and policies of the General Plan and Ukiah Valley Area Plan.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 4th day of August, 2015, by the following vote:

AYES:	Supervisors Brown, McCowen, Woodhouse, Gjerde and Hamburg
NOES:	None
ABSENT:	None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

CARRE BROWN, Chair
Mendocino County Board of Supervisors

ATTEST: CARMEL J. ANGELO
Clerk of said Board

By: _____
DEPUTY

APPROVED AS TO FORM:

DOUGLAS L. LOSAK, Interim County Counsel

By: _____

I hereby certify that according to the provisions of Government Code sections 25103, delivery of this document has been made.

CARMEL J ANGELO
Clerk of the Board

By: _____
Deputy