



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

**AUGUST 18, 2016
U_2015-0010**

SUMMARY

OWNER: GARMAN FAMILY LAND COMPANY LLC
389 N MAIN ST
WILLITS, CA 95490

APPLICANT: CELLCO PARTNERSHIP, VERIZON
2010 CROW CANYON PLACE
SAN RAMON, CA 94583

AGENT: NSA WIRELESS, PAMELA NOBEL
2010 CROW CANYON PLACE
SAN RAMON, CA 94583

REQUEST: Use permit to authorize construction and operation of a wireless communication facility consisting of a 135 foot tall "monopine," nine (9) panel antennas with auxiliary equipment, ground equipment including a 30 kilowatt diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area.

LOCATION: 7.5± miles north of the City of Willits, lying on the west side of Highway 101 at its intersection with Shimmins Ridge Road (CR 310B), located at 30710 North Highway 101; APN's 037-080-16, -19, 037-530-13 and 037-050-54.

TOTAL ACREAGE: 161± acres

GENERAL PLAN: Remote Residential- 40 acre minimum, Remote Residential- 20 acre minimum and Rangeland- 160 acre minimum (RMR40, RMR20 and RL160)

ZONING: Upland Residential- 40 acre minimum and Upland Residential- 20 acre minimum (UR40 and UR20)

SUPERVISORIAL DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

APPLICATION DEEMED COMPLETE: June 9, 2016

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: JOHN SPEKA

BACKGROUND

PROJECT DESCRIPTION: The applicant proposes to construct and operate a wireless communication facility consisting of a 135 foot tall "monopine", nine (9) panel antennas with auxillary equipment as well as ground equipment including a 30 kw diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area. The facility would be stealthed within the branches of the monopine. No vegetation or trees are proposed to be removed. Aside from monthly visits for routine maintenance, the site will remain unmanned.

APPLICANT'S STATEMENT: Materials submitted with the application packet included a four page summary of the proposal and associated features. The proposal included the following conclusory remarks:

Every day, more than 296,000 "911" calls are made from wireless phones. According to the National Center for Health Statistics Interview Survey, January – June 2010, 26.6% of U.S. households are "wireless only" households. The proposed Verizon Wireless Telecommunications Facility enhances the general welfare of the community by providing the infrastructure for these calls , as well as providing vital means of communication during times of emergency when traditional land lines are not available or in case of power failure. The carefully selected and designed facility allows these calls to occur while remaining a site that meets the needs of the community now and in the future.

RELATED APPLICATIONS ON-SITE:

- On January 20, 1983, Use Permit #U 121-82 was approved by the Planning Commission allowing for gravel extraction from Outlet Creek as well as from an adjacent quarry, with associated crushing and screening, adjacent to the subject project site on property under the same ownership. Mining activities continued throughout the 1980s, but was discontinued by 1990. The site was ultimately reclaimed on June 28, 1999.
- On June 9, 2016, the County Subdivision Committee tentatively approved Boundary Line Adjustment #B 2016-0014, reconfiguring property which will encompass the subject project in order to ensure setback compliance. As of this writing, a Completion Certificate has yet to be issued, although Condition Number 19 is recommended requiring completion prior building permit approval for the proposed facilities.

SITE CHARACTERISTICS: The development would occur along the west side of a mountainous stretch of Highway 101 approximately seven miles north of the City of Willits, southwesterly across from its intersection with Shimmins Ridge Road. The project site is located atop a forested hill approximately 1,450 feet above sea level with the proposed monopine to stand 135 feet above ground level (AGL). Surrounding mountains on either side of the highway stand between 2,000 to 2,500 feet in elevation. The property is bounded on the east by the Highway 101 right-of-way, with a Recreational Vehicle RV Park (Sleepy Hollow RV Park) situated to the northeast across the highway approximately 1,100 feet from the project site. To the north lies an additional 40± acre property under the same ownership with an onsite residence approximately 800 feet from the site. Timberland surrounds the project area overall, including both its western and southern boundaries.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL160/RMR40	TP160/UR40	58± acres	Timberland
EAST	RMR40	UR40	Hwy 101 ROW	State Hwy 101, Rangeland
SOUTH	RMR20	UR20	20-30± acres	Timberland
WEST	RMR40	RL160/TP160/UR20	40± acres	Timberland

PUBLIC SERVICES:

Access: HIGHWAY 101
 Fire District: LITTLE LAKE
 Water District: NONE
 Sewer District: NONE
 School District: WILLITS

AGENCY COMMENTS: On July 6, 2015, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Response	
Environmental Health-Ukiah		No Response	
Building Services-Ukiah		Comments	7/7/15
Assessor		No Response	
Forestry Advisor		No Response	
Air Quality Management District		Comments	7/17/15
Archaeological Commission		Comments	4/13/16
Sonoma State University-NWIC		Comments	7/17/15
Native Plant Society		No Response	
Caltrans		No Response	
Cal-Fire		Comments	7/12/15
Dept. of Fish & Wildlife		Comments	5/5/16
RWQCB		No Response	
Caltrans Aeronautics		No Response	
Military Air Space		No Response	
FAA		No Response	
FCC		No Response	
PUC		No Response	
Little Lake FD		Comments	7/13/15
Northwestern Pacific RR		No Response	

KEY ISSUES

1. General Plan and Zoning Consistency: The subject property is classified Remote Residential (RMR) under the General Plan, lying within an Upland Residential (UR) Zoning District. A Floodplain (FP) Combining District is also overlain over portions of the overall ownership, although not within the area of the proposed development. Policy DE-15 of the General Plan notes “utility installations” as among the general uses under a RMR designation. In addition, Section 20.056.020 of the County Code requires a major use permit for “Major impact services and utilities” which includes wireless communication facilities. Standard development standards regarding height and setbacks have been incorporated into the design. As a result, the project would be consistent with both the General Plan and Division I of the County Zoning Code.

2. Wireless Guidelines: The County Guidelines for the Development of Wireless Communication Facilities contain the following items relevant to the subject project:

Application Submittal Requirements (Item B(3)), requires “[a] statement of the

communication objectives sought for the proposed location, whether the proposed facility is necessary to prevent or fill a significant gap or capacity shortfall in the applicant's service area, whether it is the least intrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service."

The applicant provided within the application materials the following statement to address the item:

Wireless phone systems operate on a "grid" system, whereby overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the telecommunication facility. Based on a computerized engineering study, which takes into account, among other things, local population density, traffic patterns, and topography, Verizon Wireless's RF engineers have identified this location as being a necessary and appropriate location for a cell site in order to provide coverage along Highway 101. This site is intended to extend coverage and bridge the gap between the existing Verizon cell site located at Longvale and the currently proposed North Willits site (Varian property).

Item Number B(15) requires an analysis of alternative sites for facilities not proposed to be co-located on an existing tower. The applicant provided the following:

Verizon Wireless investigated existing structures, towers and buildings high enough to accommodate the coverage objectives in compliance with [standards] of the Wireless Guidelines that require colocation on any existing facilities or towers. No viable structures or towers were found in the area.

- (1) Highway 101 at Black Bart Drive- An existing AT&T 70 foot wooden pole. RF rejected as not viable for coverage objective due to topography and shadowed coverage.
- (2) Ryans Creek Parcels- Located on Ryans Creek east of Highway 101. Drove area with RF to identify viable candidates- topography too random and shadowed coverage.
- (3) 30001 Shimmins Ridge Road- Located on the east side of Highway 101- Need to cross too many parcels of land owned by numerous owners and no utility access.
- (4) Meadow site on Garman property- (APN 037-530-13- RF reviewed for monopine at this level- was shadowed by topography.

Item Number B(17) requires a statement that co-location would be available for other carriers as well as for emergency services. The application materials include a statement that:

The proposed site is located in an area with abundant ground space to accommodate additional carriers, and landlord and applicant have acknowledged co-location terms that will allow additional carriers to lease ground space from Landlord and the applicant will allow additional carriers on the pole if compatible technology and at a fair and reasonable market rent. Applicant agrees to comply with [the Guidelines] to negotiate in good faith for co-location of the proposed facility by third parties, using compatible technology, and to require no more than a reasonable charge for co-location. This section shall not be interpreted to prevent the applicant from requiring future applicants to pay fair and reasonable rental for the use of the applicant's tower and/or other facilities.

Condition Number 21 is recommended to ensure the availability of the tower for emergency services upon request, "provided no interference to function will result at a minimum or no fee," as stated in the Guidelines language.

The application as well as conditions recommended for the project will ensure that all standards under Section C of the Guidelines have been met.

3. Use Permit Findings: Section 20.196.020 of the County Code requires that certain findings be made prior to approving a use permit. The findings are listed below with a brief explanation as to how each has been met:

- a) *“That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan.”*

The project is consistent with the General Plan based on the land use designation of the subject property. The property is classified Remote Residential (RMR40) in the General Plan in which “utility installations” are considered among the general uses.

- b) *“That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.”*

The proposed project will include all necessary infrastructure, access roads and drainage features as part of the overall project.

- c) *“That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.”*

The intent of the project is to provide enhanced coverage to cell phone users within the immediate area including that portion of the Highway 101 corridor. It is designed appropriately to avoid health safety or other like issues.

- d) *“That such use preserves the integrity of the zoning district.”*

The property lies within an UR (Upland Residential) zoning district zoning allowing for Major Impact Services and Utilities subject to a major use permit. The subject request fulfills the requirements and is therefore consistent with the noted zoning district.

4. Environmental Protection:

An Initial Study was completed for the project and circulated for public review on July 20, 2016, in accordance with the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration is recommended. The review identified the following potential impacts which will be less than significant with incorporation of the proposed mitigation measures discussed below:

Aesthetics: Photo-simulations provided with the application materials show three separate vantage points of the proposed location from Highway 101, including one facing north along Highway 101, one south along Highway 101 and the third southwest from the entrance to Shimmins Ridge Road (see attached Initial Study). In addition, a site view was conducted by staff on June 3, 2016, witnessing a balloon flown to the proposed height of the facility to assist in evaluating potential visual impacts associated with the project. While the balloon was only visible from the northerly facing vantage point, it did not appear to be as high as the simulated photos of the monopine shown to blend in with the surrounding trees. The monopine was adequately “stealthed” and visually compatible with its surroundings. Associated ground equipment would be located at a clearing adjacent to its base and would not be visible among the forested area. Overall, the criteria of the “Visual Appearance” portion of the County Guidelines for the Development of Wireless Communication Facilities would be met. Based on the evaluation of the photo-simulations and the site view, the project as proposed would have only a minimal impact on scenic vistas.

To ensure that visual impacts are less than significant, Condition Number 1 is recommended requiring all exterior surfaces of structures and equipment associated with the facility, have subdued colors and non-reflective materials selected to blend with their surroundings. Condition Numbers 2 and 3 are recommended to further mitigate visual impacts by limiting the facility’s height, and to protect/preserve existing vegetation. In the event that use of the facility should cease, it is recommended that Condition Numbers 4 and 5 be imposed, requiring that all portions of the facility above ground level be removed from

the site, and the site be restored to a natural condition. Finally, Condition Number 6 is recommended requiring any lighting to be shielded or downcast.

Biological Resources: According to the California Natural Diversity Database (CNDDDB), the project site was identified as potential habitat for Milo Baker's Lupine and the Western pond turtle (WPTU), both listed as protected species by the California Department of Fish and Wildlife (DFW). As a result, a survey was prepared by EBI Consulting (dated November 2, 2015) to determine the presence or absence of suitable habitat for either of the noted species. According to the survey, it "occurred within all areas of proposed ground disturbance within the Project Site, as well as an approximately 50-foot buffer beyond the proposed boundaries of the facility lease area and associated access and utility route easements."

The survey concluded that "no suitable habitat is present for either species." However, the "dispersal distance" of the Western pond turtle included the western most portion of the proposed access route and the turtle would not be prevented from reaching this area without the following conservation measures:

- i. Before any construction activities begin, exclusion fencing shall be installed in a manner such as to prevent the migration of WPTU from entering the western most portion of the access route. The exclusion fencing shall be maintained for the duration of construction activities, and shall be checked for stranded WPTU daily.
- ii. A biological monitor shall conduct a training session for all construction workers before work is started in the Action Area.
- iii. A speed limit of 15 miles per hour on dirt roads will be maintained.
- iv. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day, and removed completely from the site once every three days.
- v. No pets will be allowed anywhere in the project site during construction.
- vi. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.

Comments received from DFW concurred with the effectiveness of the proposed conservation measures. And while the application materials state that vegetation removal is not required as part of the project, further comments received from DFW note that in the event that vegetation is removed, certain months should be avoided or else surveys should be conducted to protect nesting birds in the region.

Condition Numbers 10. and 11 are recommended to ensure the above mitigation measures are adhered to within the work areas during construction of the project. No additional mitigation is required with respect to biological resources.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Use Permit for the Project based on the facts and findings and subject to the conditions of approval.

DATE

JOHN SPEKA

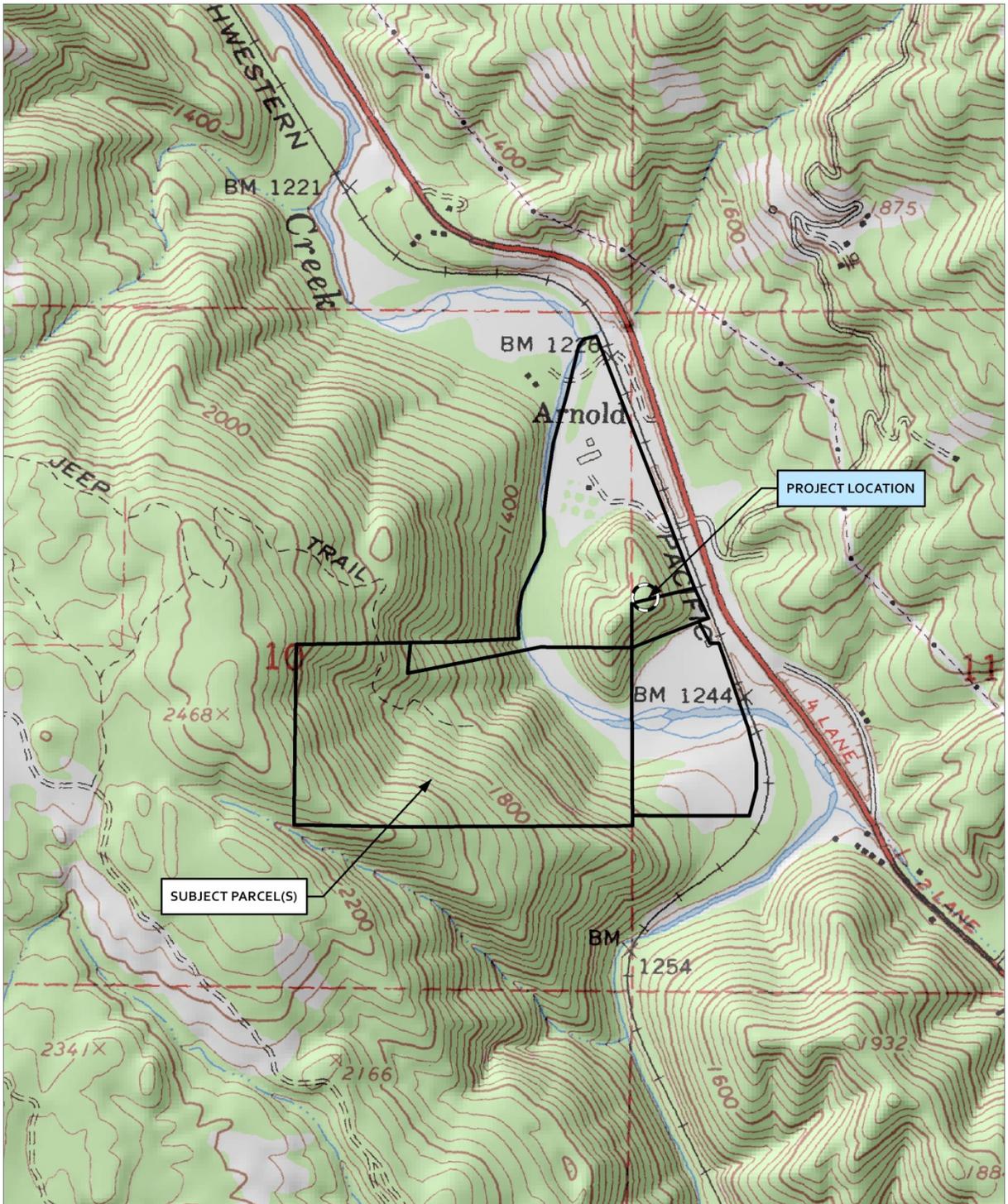
Appeal Period: 10 Days
Appeal Fee: \$910.00

ATTACHMENTS:

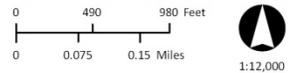
- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan/LCP Map
- H. Fire Hazards Map
- I. Flood Zone
- J. Slope Map
- K. Timber Production Map
- L. Boundary Line Adjustment Tentative Map
- M. Visual Analysis Aerial
- N. View 1 (pdf)
- O. View 1-B (PNG)
- P. View 1 (PNG)
- Q. View 2 (pdf)
- R. View 2 line of sight
- S. View 2-B (PNG)
- T. View 2 (PNG)
- U. View 3 (pdf)
- V. View 3-B (PNG)
- W. View 3 (PNG)

MITIGATED NEGATIVE DECLARATION Initial Study available online at:
<http://www.co.mendocino.ca.us/planning/meetings.htm>

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

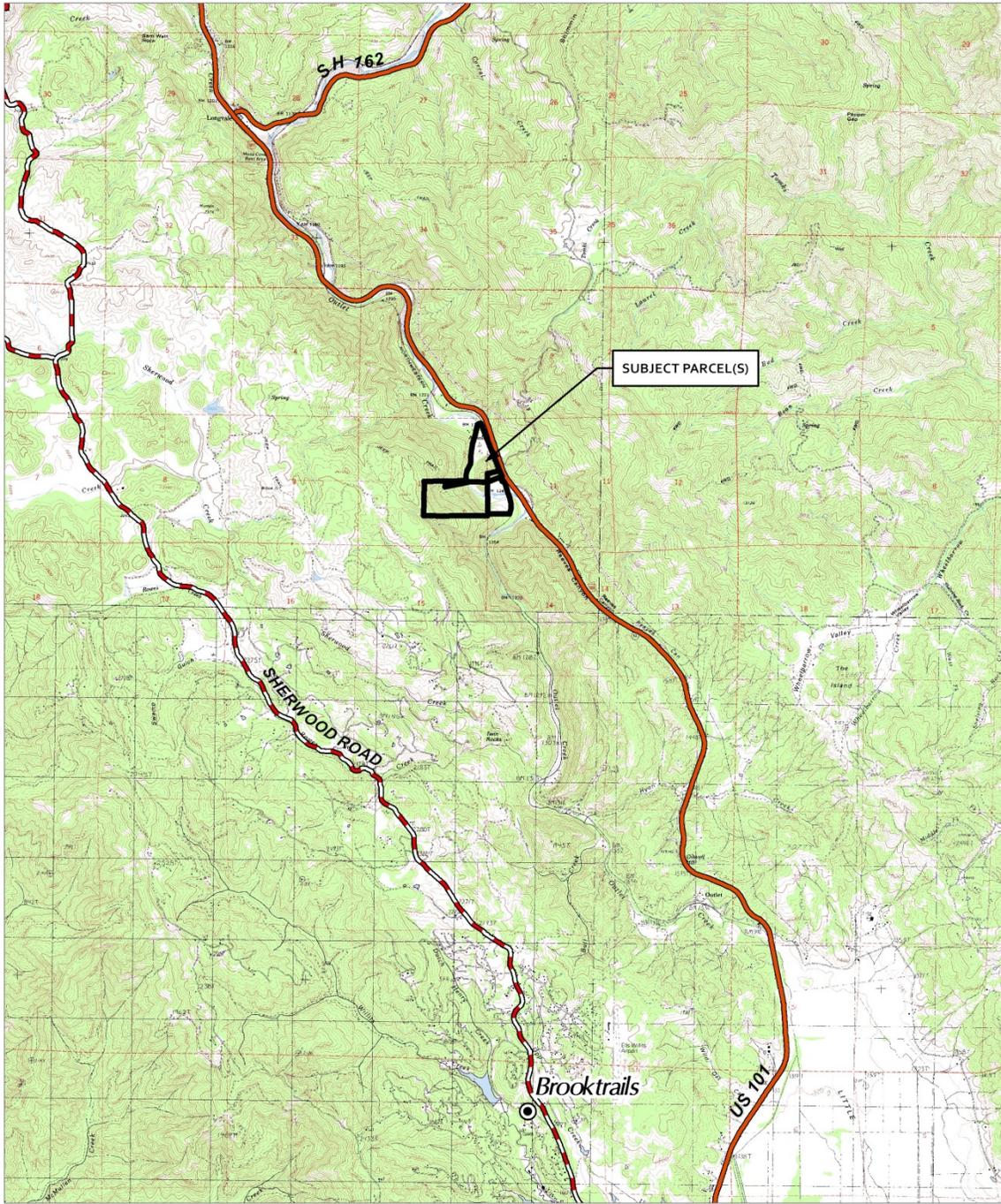


CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI



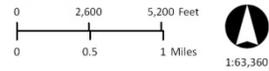
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.



CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

-  Highways
-  Major Roads



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.

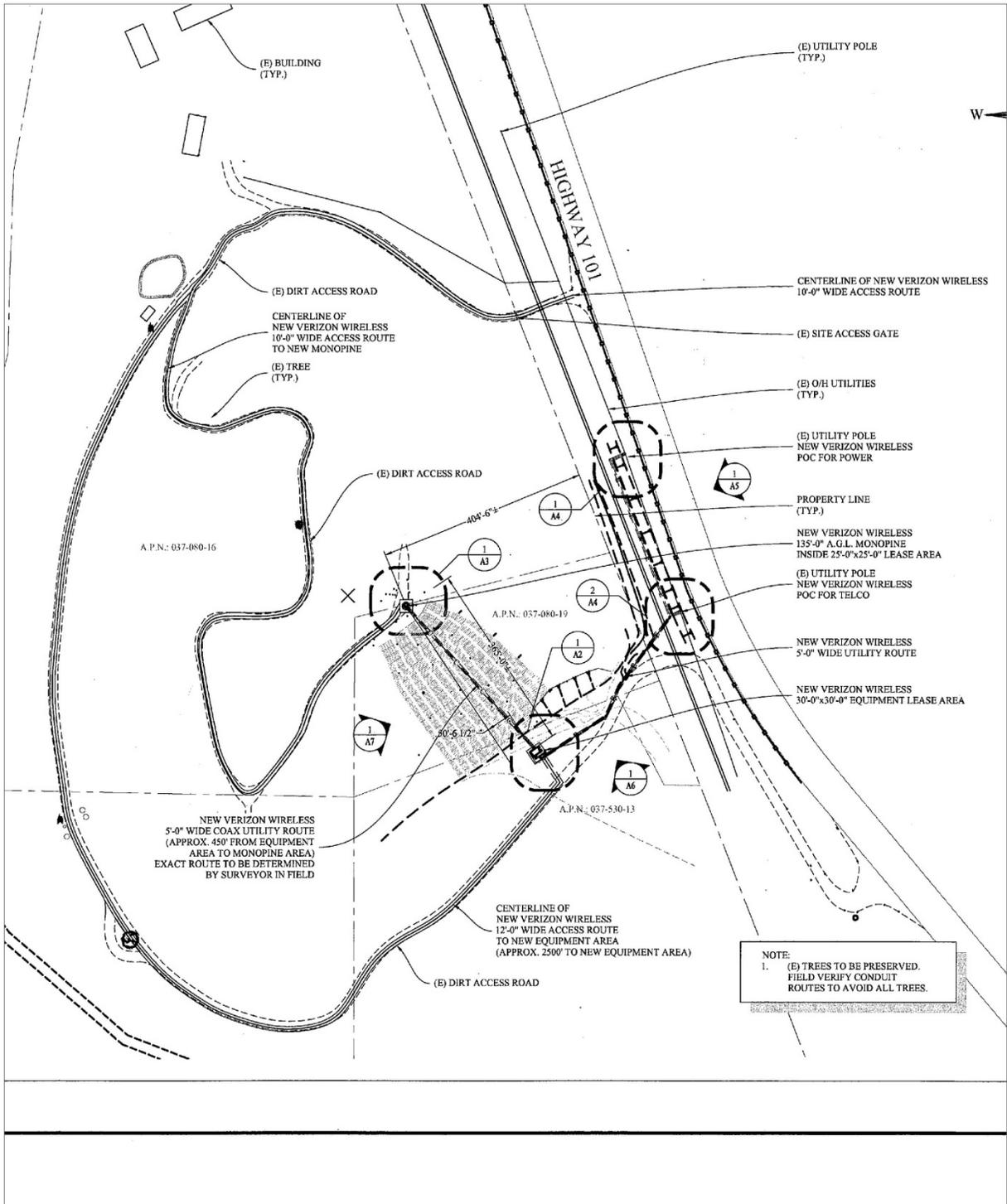


CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

— Named Rivers
— Public Roads

0 250 500 Feet
0 0.045 0.09 Miles
1:6,000
2014 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, April, 2015.
All spatial data is approximate. Map provided without warranty of any kind.



CASE: U 2015-0010
 OWNER: Garman Family Land Co., LLC
 APN: 037-050-54, et. al.
 APLCT: Cellco/Verizon
 ADDRESS: 30710 N. Hwy. 101, WI

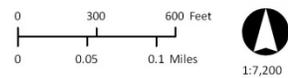
NO SCALE

SITE PLAN

Map produced by the Mendocino County Planning & Building Services, April, 2015
 All spatial data is approximate. Map provided without warranty of any kind.

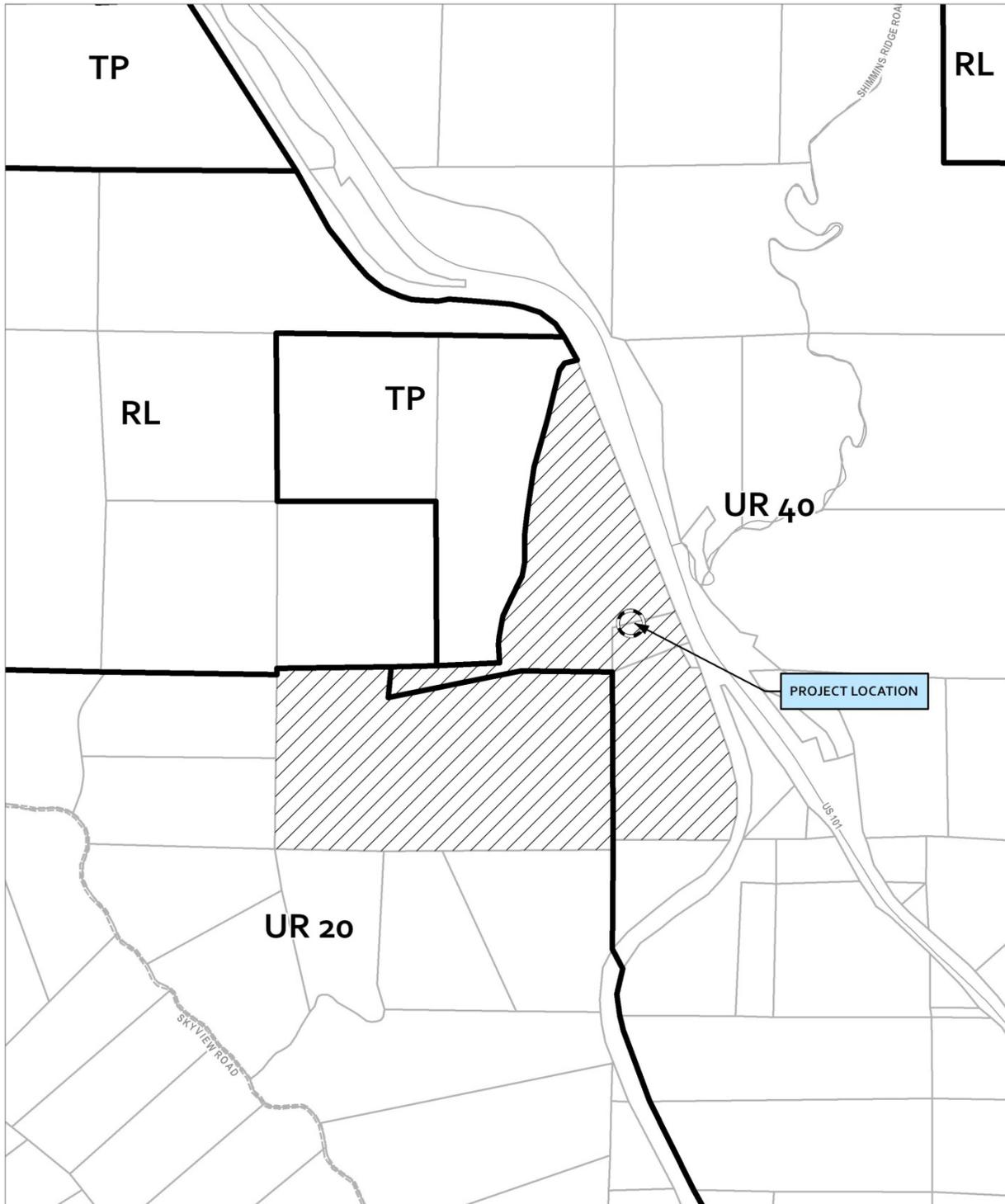


CASE: U 2015-0010
 OWNER: Garman Family Land Co., LLC
 APN: 037-050-54, et. al.
 APLCT: Cellco/Verizon
 ADDRESS: 30710 N. Hwy. 101, WI



ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, April, 2015
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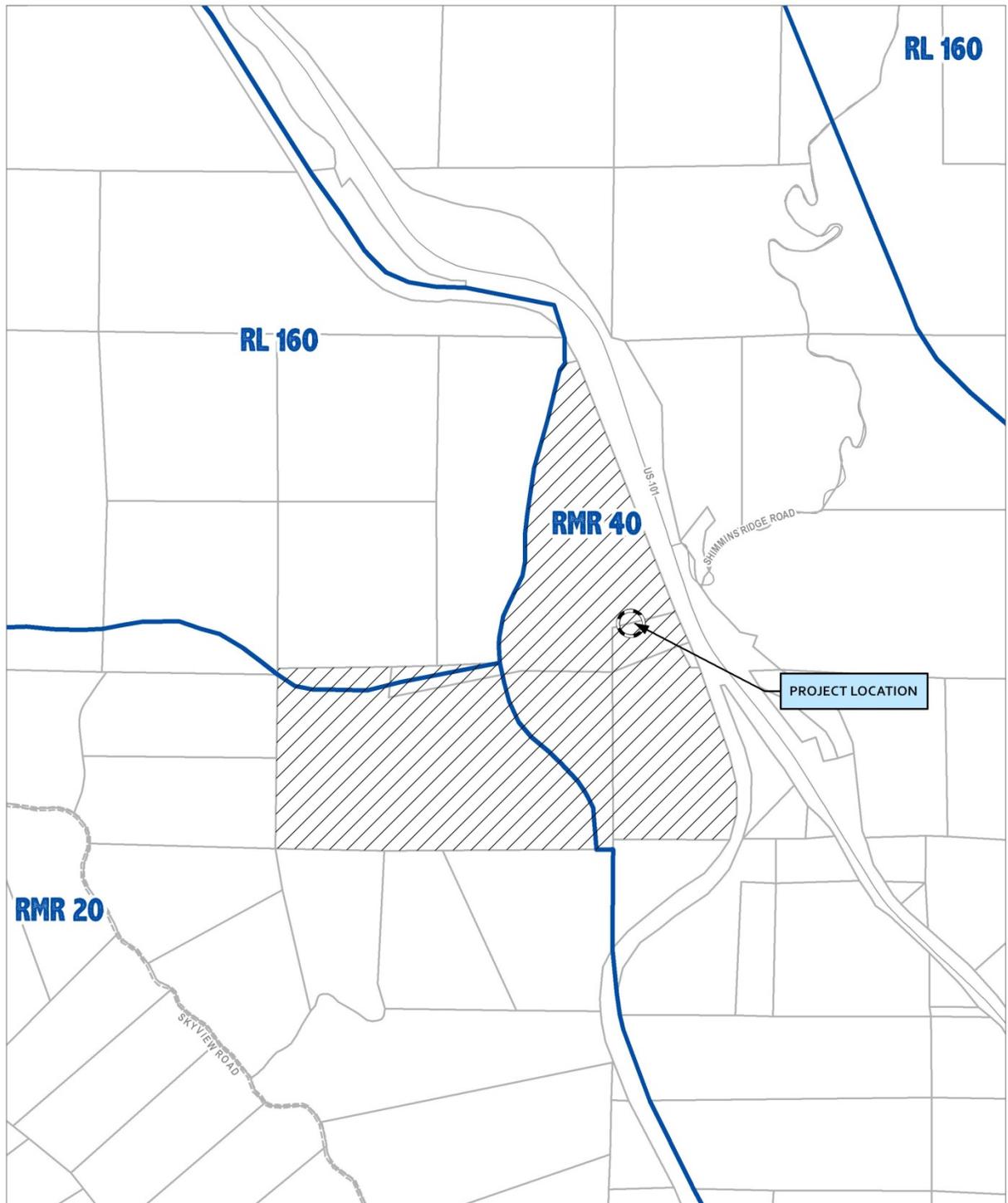
CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

 Zoning Master



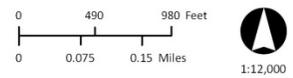
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.



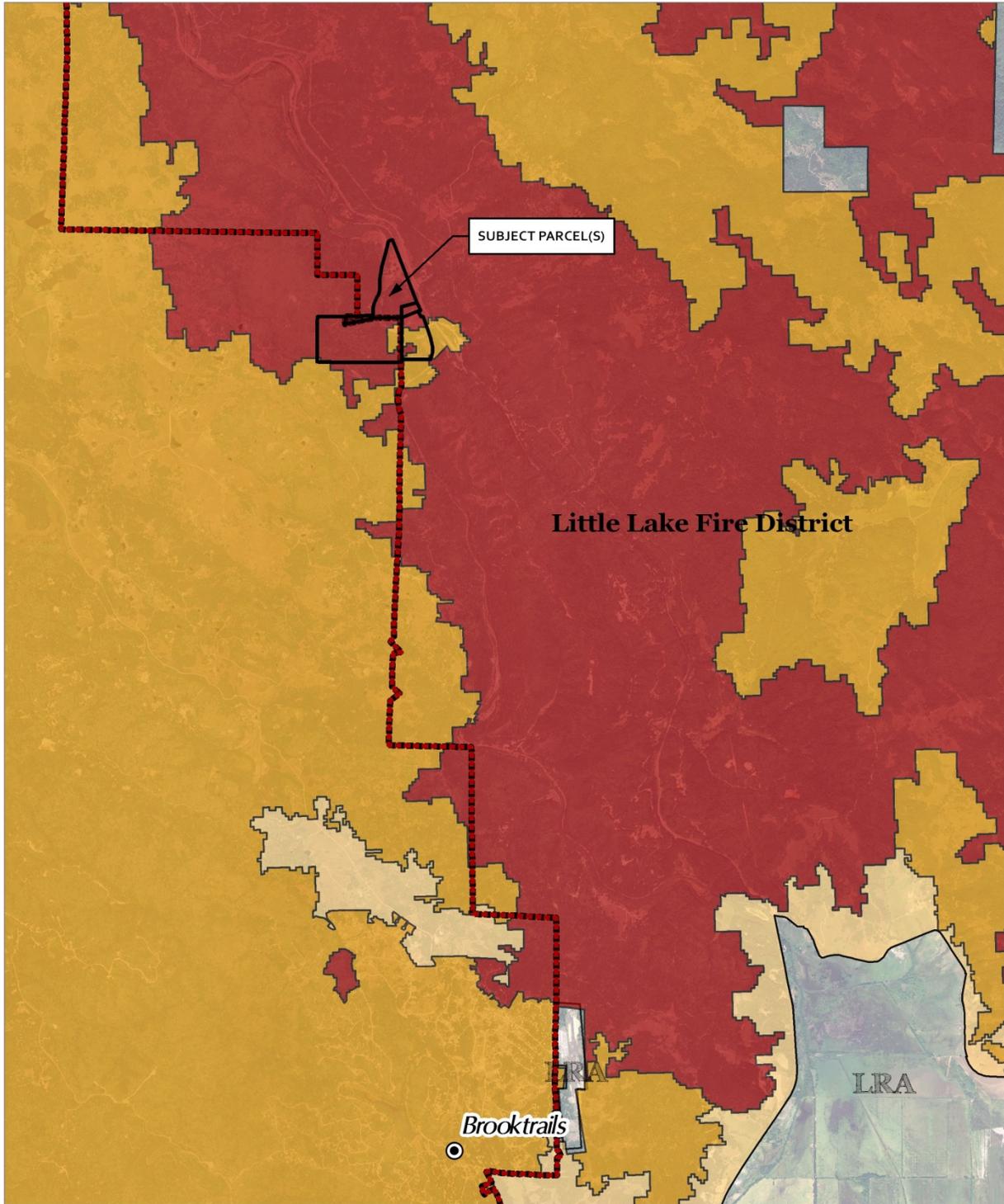
CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

 General Plan Master



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, April, 2015
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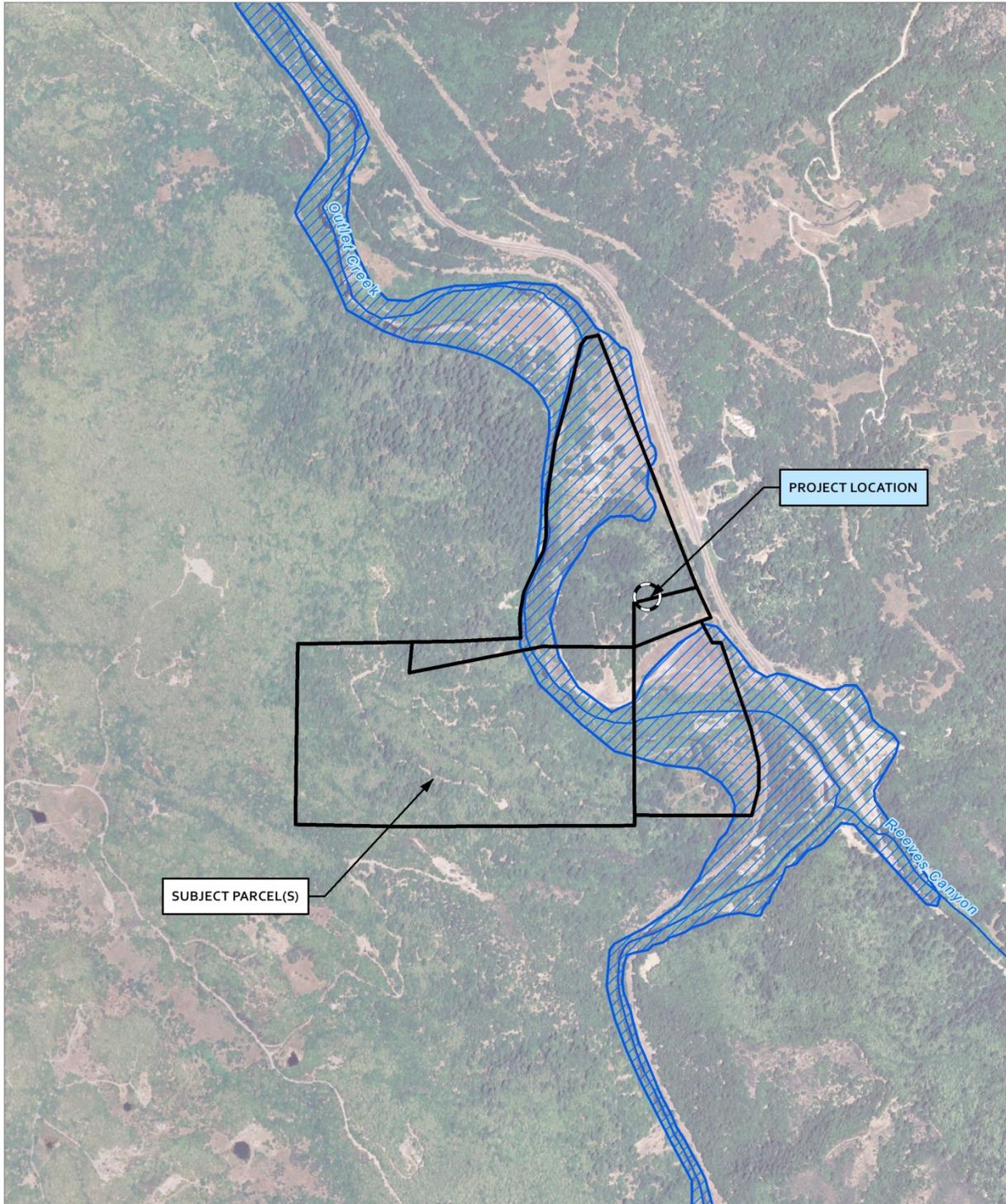
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APN: 037-050-54, et. al.
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ADDRESS: 30710 N. Hwy. 101, WI

- Very High Fire Hazard
- High Fire Hazard
- Moderate Fire Hazard

0 1,950 3,900 Feet
0 0.35 0.7 Miles
1:48,000

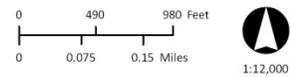
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.



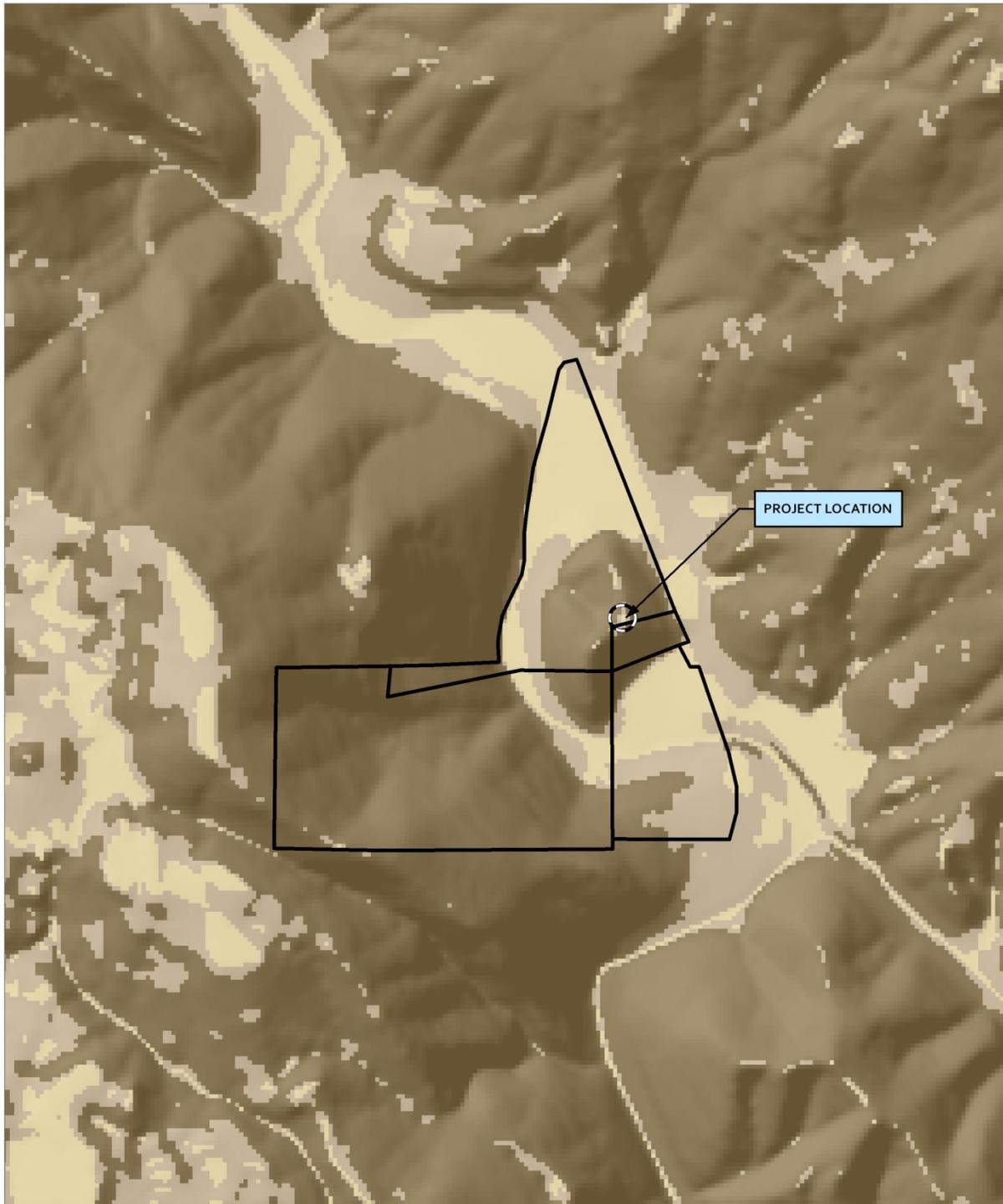
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OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

 Flood Zone
 Named Rivers

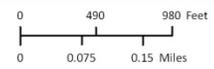


FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.

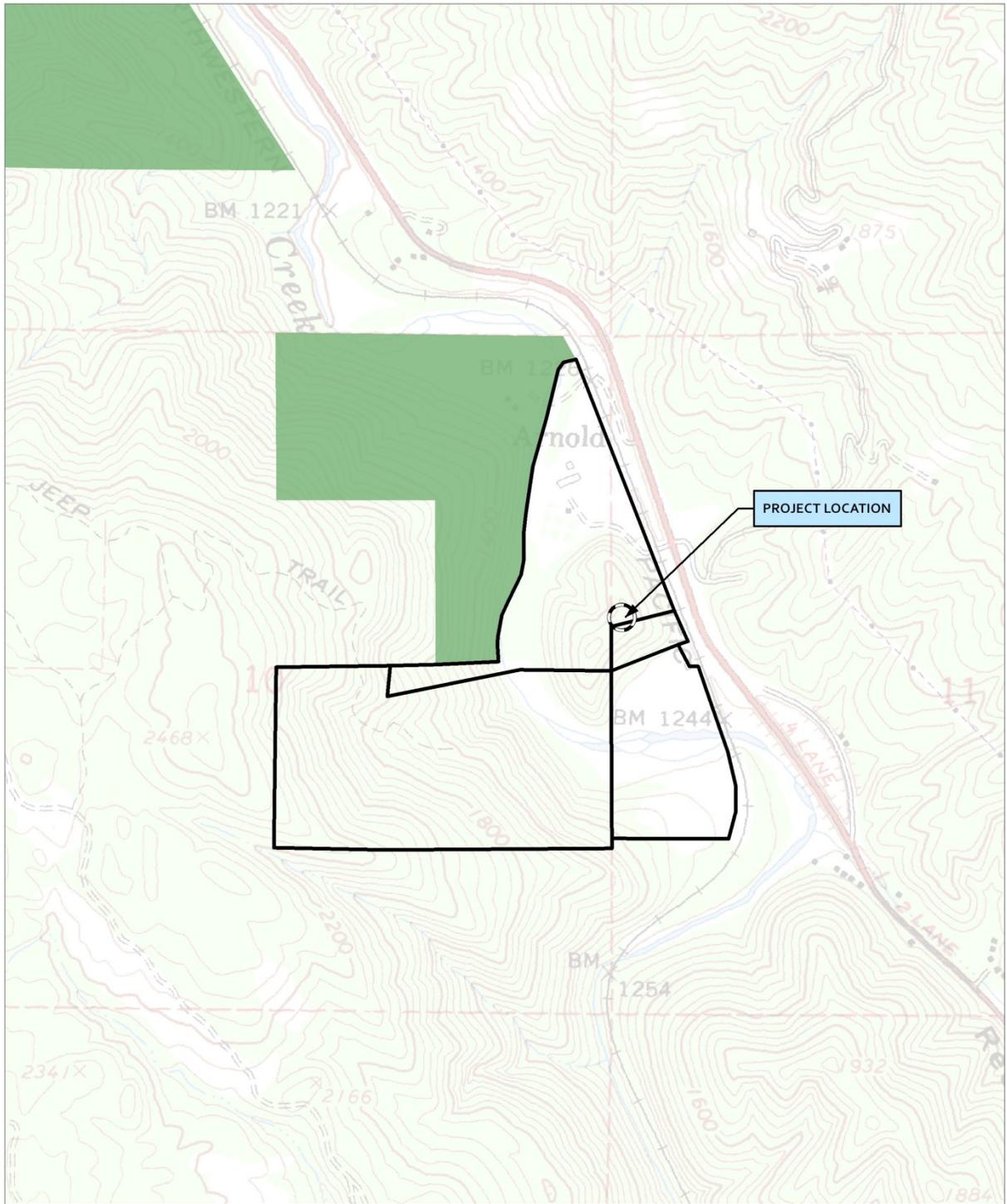


CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
APN: 037-050-54, et. al.
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ADDRESS: 30710 N. Hwy. 101, WI



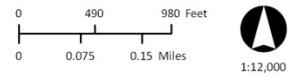
ESTIMATED SLOPE

Map produced by the Mendocino County Planning & Building Services, April, 2015
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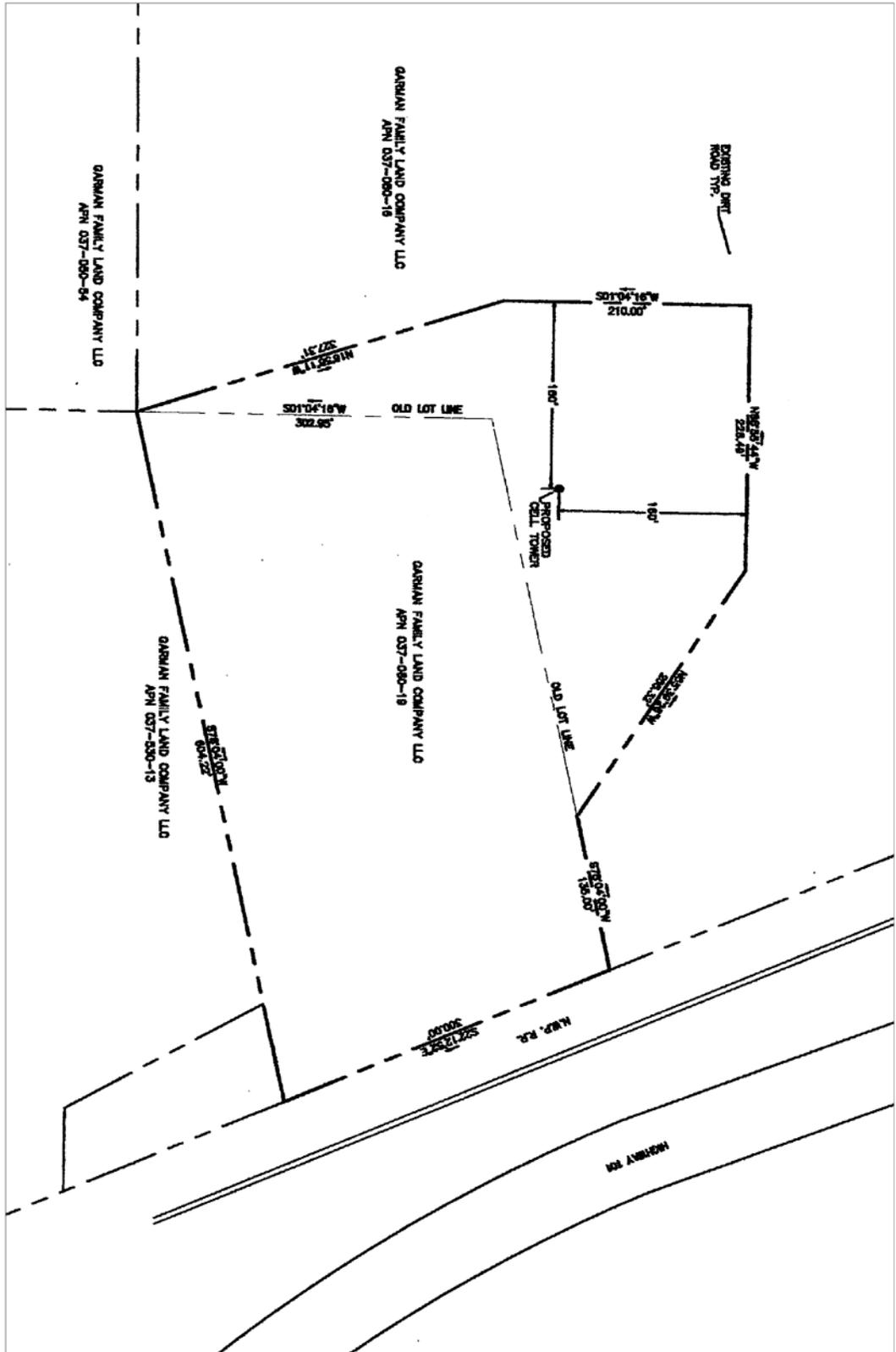
CASE: U 2015-0010
OWNER: Garman Family Land Co., LLC
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APLCT: Cellco/Verizon
ADDRESS: 30710 N. Hwy. 101, WI

 TPZ 2014



TIMBER PRODUCTION ZONES

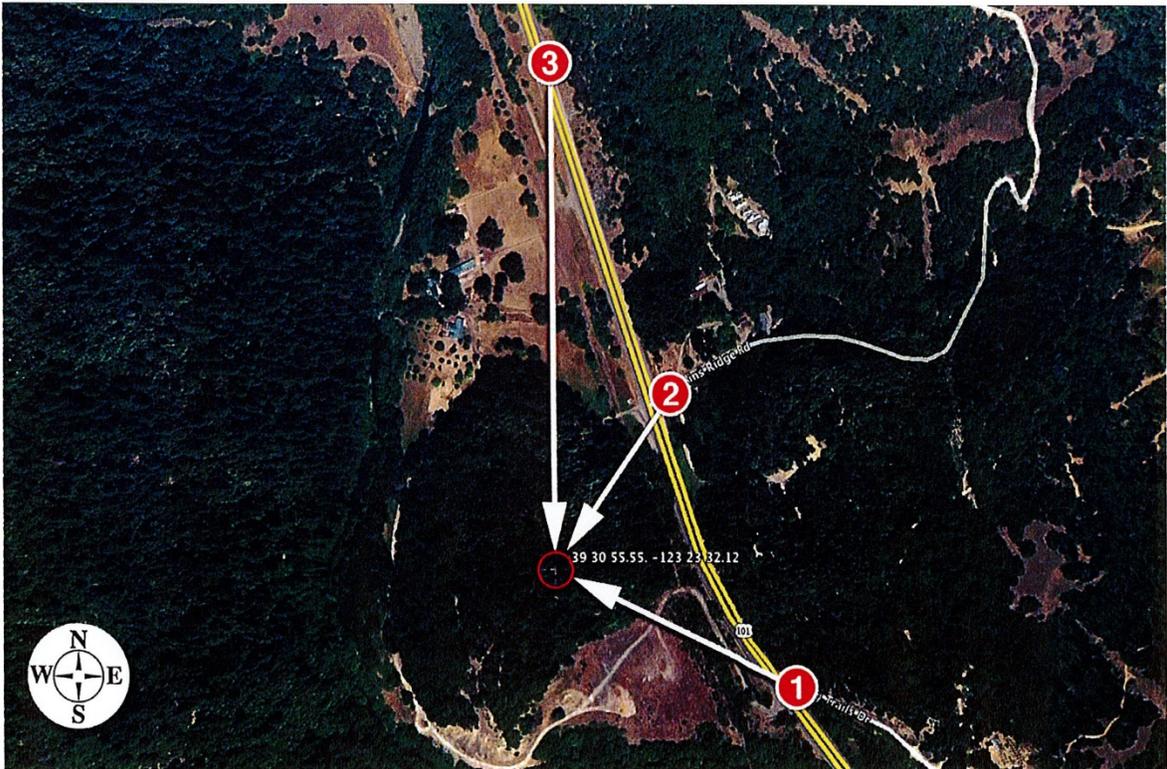
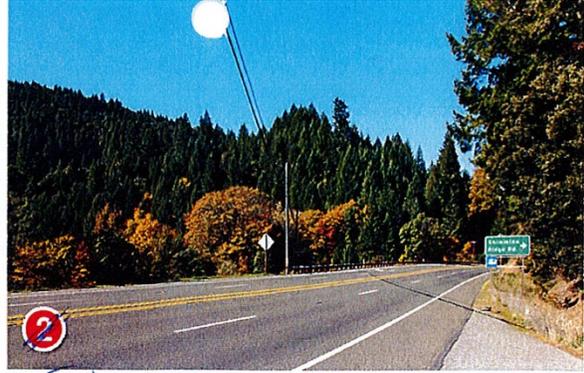
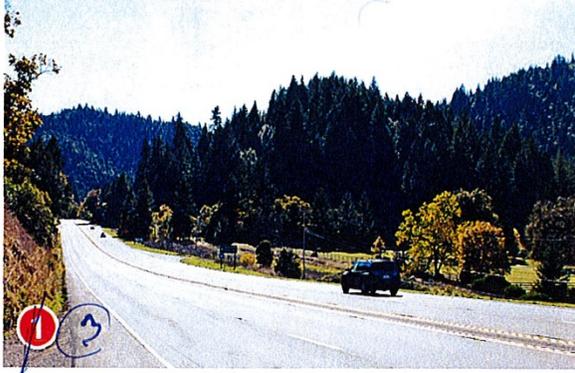
Map produced by the Mendocino County Planning & Building Services, April, 2015
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CASE: B 2016-0014
OWNER: Garban Family Land Co, LLC
APN: 037-080-16, 19
AGENT: Verizon
AGENT: Pamela Nobel
ADDRESS: 30710 N. Hwy. 101, Willis

Map produced by the Mendocino County Planning & Building Services, May 2016
All parcel data is approximate. Map provided without warranty of any kind.

NO SCALE
TENTATIVE MAP



Ridge Site # 261621

Aerial Map

11/03/14

30710 N Hwy 101
Willits, CA 95490

Applied Imagination 510 914-0500



Ridge Site # 261621

Looking Northwest from Hwy 101

11/03/14

30710 N Hwy 101
Willits, CA 95490

View #8

Applied Imagination 510 914-0500



View 1

Approximate location of Monopine



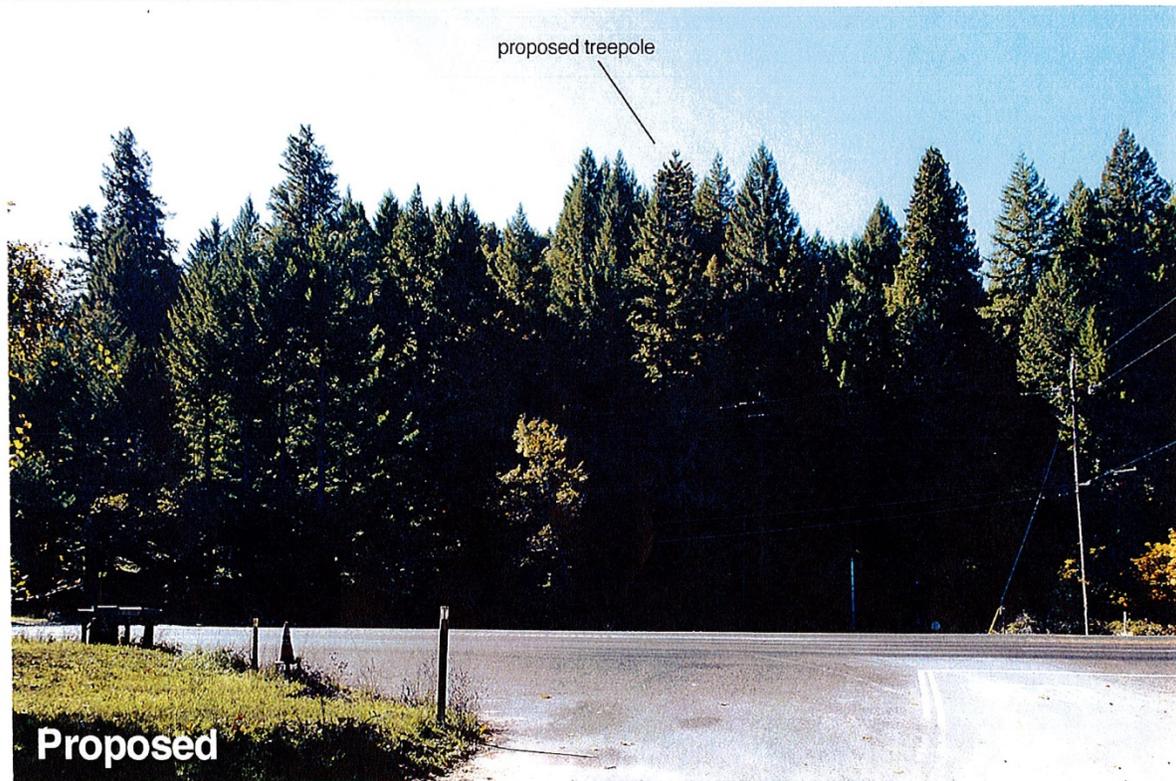


View 1

Approximate location of Monopine



Existing



proposed treepole

Proposed



Ridge Site # 261621

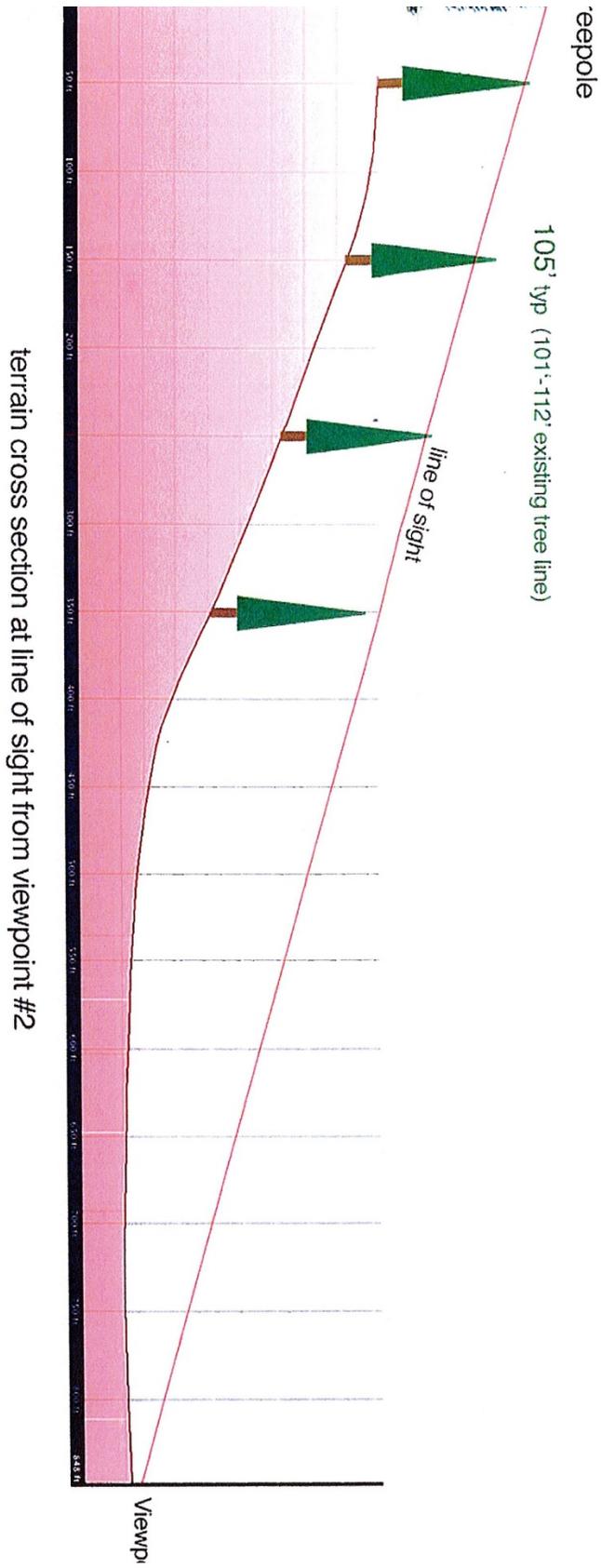
Looking Southwest from Hwy 101

11/03/14

30710 N Hwy 101
Willits, CA 95490

View #2

Applied Imagination 510 914-0500



3/14

Ridge Site # 261621
30710 N Hwy 101
Willits, CA 95490

Line of Sight Viewpoint #2

View 2

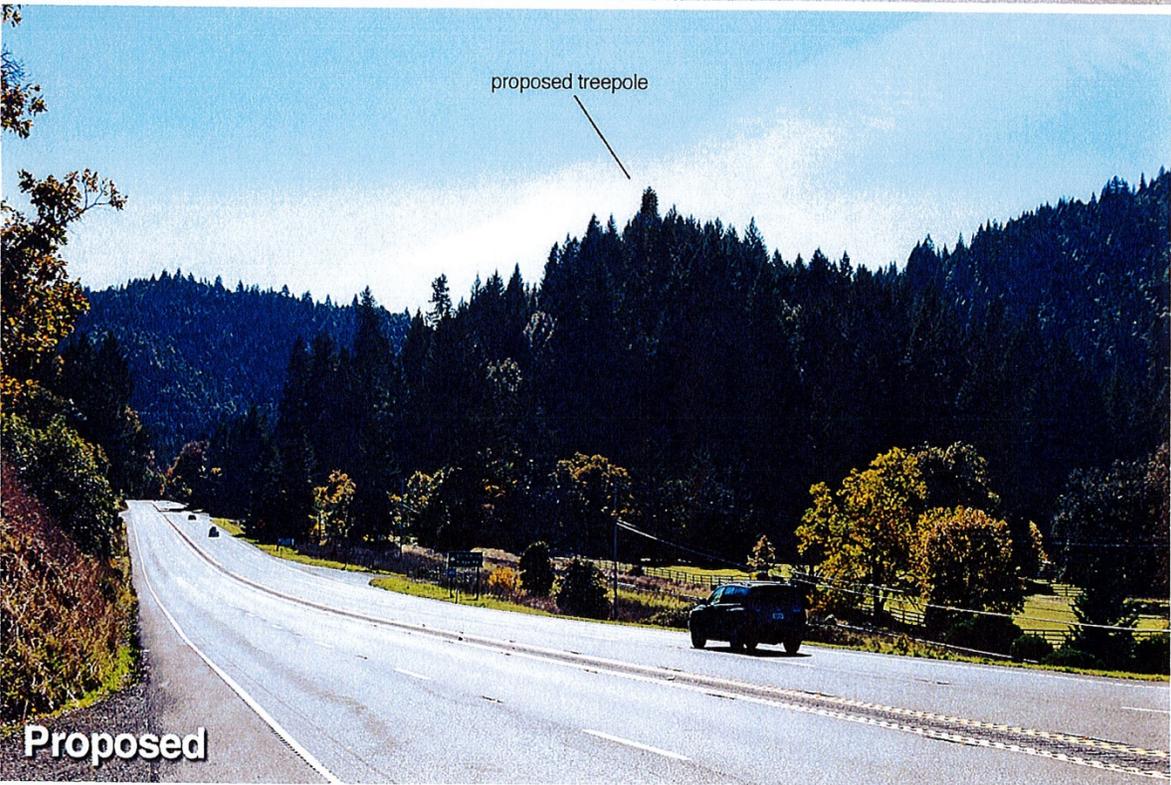
Approximate location of Monopine



View 2

Approximate location of Monopine





Ridge Site # 261621

Looking South from Hwy 101

11/03/14

30710 N Hwy 101
Willits, CA 95490

View # 3

Applied Imagination 510 914-0500

View 3

Approximate location of Monopine





View 3

Approximate location of Monopine

**INITIAL STUDY
DRAFT MITIGATED NEGATIVE DECLARATION (MND)**

Section I Description Of Project.

DATE: June 23, 2016
CASE#: U_2015-0010
DATE FILED: 3/27/2015
OWNER: GARMAN FAMILY LAND COMPANY LLC
APPLICANT: CELLCO PARTNERSHIP, dba VERIZON WIRELESS
AGENT: NSA WIRELESS, INC./PAMELA NOBEL
PROJECT COORDINATOR: JOHN SPEKA
REQUEST: Use permit for to authorize construction and operation of a wireless communication facility consisting of a 135 foot tall "monopine", nine (9) panel antennas with auxillary equipment as as well as ground equipment including a 30 kw diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area.
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration
LOCATION: 7.5± miles north of the City of Willits, lying on the west side of Highway 101 at its intersection with Shimmins Ridge Road (CR 310B), located at 30710 N. Highway 101; APN's 037-080-16, -19, 037-530-13 and 037-050-54.

Section II Environmental Checklist.

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

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.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account 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. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

“No Impact” means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Less than Significant with Mitigation Incorporated

The applicant is proposing to construct and operate a new wireless telecommunication facility along the west side of a mountainous stretch of Highway 101 approximately seven miles north of the City of Willits, southwesterly across from its intersection with Shimmins Ridge Road. The project site is located atop a forested hill approximately 1,450 feet above sea level with the proposed monopine to stand 135 feet above ground level (AGL). Surrounding mountains on either side of the highway stand between 2,000 to 2,500 feet in elevation.

Photo-simulations provided with the application materials show three separate vantage points of the proposed location from Highway 101, including one facing north along Highway 101, one south along Highway 101 and the third southwest from the entrance to Shimmins Ridge Road (see attached). In addition, a site view was conducted by staff on June 3, 2016, witnessing a balloon flown to the proposed height of the facility to assist in evaluating potential visual impacts associated with the project (see attached). While the balloon was only visible from the northerly facing vantage point, it did not appear to be as high as the simulated photos of the monopine shown to blend in with the surrounding trees. The monopine was adequately “stealthed” and visually compatible with its surroundings. Associated ground equipment would be located at a clearing adjacent to its base and would not be visible among the forested area. Overall, the criteria of the “Visual Appearance” portion of the County Guidelines for the Development of Wireless Communication Facilities would be met. Based on the evaluation of the photo-simulations and the site view, the project as proposed would have only a minimal impact on scenic vistas.

To ensure that visual impacts are less than significant, Condition Number 1 is recommended requiring all exterior surfaces of structures and equipment associated with the facility, have subdued colors and non-reflective materials selected to blend with their surroundings. Condition Numbers 2 and 3 are recommended to further mitigate visual impacts by limiting the facility’s height, and to protect/preserve existing vegetation. In the event that use of the facility should cease, it is recommended that Condition Numbers 4 and 5 be imposed, requiring that all portions of the facility above ground level be removed from the site, and the site be restored to a natural condition.

b) No Impact

The stretch of US Highway 101 which travels through Mendocino County, has not been designated a State Scenic Highway by California Department of Transportation (Caltrans). Scenic resources are considered to be those landscape patterns and features that are visually or aesthetically attractive and that, therefore, contribute

affirmatively to the definition of a distinct community including, but not limited to, trees, rock outcroppings, and historic buildings. The project will not result in damage to or block public views to any scenic resources.

c) Less than Significant with Mitigation Incorporated

General Plan Resource Management Goal RM-14 calls for the “[p]rotection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of natural beauty.” In addition, standards within the County Guidelines for the Development of Wireless Communication Facilities discusses “Visual Appearance,” which requires newly proposed facilities to be visually compatible with their surroundings and have minimal impacts on residential or outdoor recreational views.

The proposed location for the project could be considered part of the “natural and rural landscape” of the County and could also include the potential to affect visual resources of residents or tourists. According to the visual simulations provided by the applicant, the monopine pole would be visible from three separate vantage points (facing north, south and west). As noted, a June 3, 2016 site view observed a balloon elevated to the proposed 135 foot height (AGL) that was only visible from the southernmost of the three vantage points. The balloon did not appear as high as the simulated photos which could have been due to mild wind conditions during the display. In the alternative, the photo-simulations could have been shown as an overly-conservative estimated height level. In either case, given the monopine design of the facility, the proposed height of tower appears to be blend in with the surrounding stand of trees and would not have a substantial visual impact from Highway 101. Very little residential development exists within the vicinity of the project site. A Recreational Vehicle (RV) park (Sleepy Hollow RV Park) consisting of eight spaces is situated to the northeast of the proposed location, although the monopine design would mitigate potential impacts to the viewshed for guests of the park and the existing visual character of the area would not be substantially degraded. As such, per Guideline (C)(2)(f), a finding can be made that the facility “blends with the surrounding existing environment in such a manner as to be effectively unnoticeable.”

Condition Number 1 is recommended requiring all exterior surfaces of structures and equipment associated with the facility, have subdued colors and non-reflective materials selected to blend with their surroundings Condition Numbers 2 and 3 are recommended to further mitigate visual impacts by limiting the facility’s height, and to protect/preserve existing vegetation. In the event that use of the facility should cease, it is recommended that Condition Numbers 4 and 5 be imposed, requiring that all portions of the facility above ground level be removed from the site, and the site be restored to a natural condition.

d) Less than Significant Impact

No exterior lighting is proposed with respect to Federal Aviation Administration (FAA) requirements. However, lighting may be needed near the equipment shelter for worker access during nighttime hours. Wireless Guideline (C)(2)(h) states:

Outdoor lighting shall be kept to a minimum. Towers requiring FAA lighting are discouraged. Tower lighting, if approved, shall be the minimum required by FAA regulations. Towers requiring strobe lighting shall be prohibited. Other outdoor lighting shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel.

To ensure consistency with the above policy relating to exterior lighting, Condition Number 6 is recommended requiring any lighting to be shielded or downcast. As a result, impacts would be less than significant in this area.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through e) **No Impact**

The project site is not under a Williamson Act Contract and would not impact farmland. It is zoned Upland Residential (UR) and lies several hundred feet from adjacent Timber Production (TP) zoned property. No trees or vegetation would be removed according to the application materials. It is located on an isolated and forested hilltop surrounded by timberland, but would have no impact on any surrounding timber activities. Comments were not received upon referral to the County Forestry Advisor.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through e) **Less Than Significant Impact**

Grading of the site prior to construction has the potential to impact air quality with fugitive dust emissions. In addition, the project site is located within an area known to contain Naturally Occurring Asbestos (NOA). A 30-kilowatt generator with a 132-gallon diesel fuel tank is also proposed as part of the project to provide emergency backup power to the facility, to be located within a fenced compound at the base of the monopine structure. The County Air Quality Management District (AQMD) submitted comments requiring permits through that office for

diesel engines over 50-horsepower in size. Staff recommends Condition Numbers 7 through 9 to ensure air quality standards are met to the satisfaction of the AQMD with respect to fugitive dust, NOA and/or other potential pollutants. Standard regulations of the AQMD would maintain potential air quality impacts to a Less-than-Significant level.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) – b) and d) Less Than Significant with Mitigation Incorporated

According to the California Natural Diversity Database (CNDDB), the project site was identified as potential habitat for Milo Baker’s Lupine and the Western pond turtle (WPTU), both listed as protected species by the California Department of Fish and Wildlife (DFW). As a result, a survey was prepared by EBI Consulting (dated November 2, 2015) to determine the presence or absence of suitable habitat for either of the noted species. According to the survey, it “occurred within all areas of proposed ground disturbance within the Project Site, as well as an approximately 50-foot buffer beyond the proposed boundaries of the facility lease area and associated access and utility route easements.”

The survey concluded that “no suitable habitat is present for either species.” However, the “dispersal distance” of the Western pond turtle included the western most portion of the proposed access route and the turtle would not be prevented from reaching this area without the following conservation measures:

- i. Before any construction activities begin, exclusion fencing shall be installed in a manner such as to prevent the migration of WPTU from entering the western most portion of the access route. The exclusion fencing shall be maintained for the duration of construction activities, and shall be checked for stranded WPTU daily.

- ii. A biological monitor shall conduct a training session for all construction workers before work is started in the Action Area.
- iii. A speed limit of 15 miles per hour on dirt roads will be maintained.
- iv. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day, and removed completely from the site once every three days.
- v. No pets will be allowed anywhere in the project site during construction.
- vi. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.

Comments received from DFW concurred with the effectiveness of the proposed conservation measures. And while the application materials state that vegetation removal is not required as part of the project, further comments received from DFW note that in the event that vegetation is removed, certain months should be avoided or else surveys should be conducted to protect nesting birds in the region.

Condition Numbers 10 and 11 are recommended to ensure the above mitigation measures are adhered to within the work areas during construction of the project. No additional mitigation is required with respect to biological resources.

c) – e) and f) **No Impact** The project site is not located near any wetlands and would not impact areas subject to Section 404 of the Clean Water Act. Nor would the project conflict with any local policies or ordinances with respect to biological resource protection. The project does not lie within any conservation plan area at the local, regional or state level.

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through e) **No Impact**

The project was originally brought before the County Archaeological Commission on September 9, 2015, at which time a survey of the site was required. On November 10, 2015, a survey was presented to the Commission, which was not accepted based on revisions having been made to the original site area that had not been included in the survey. On April 13, 2016, a revised survey was brought before the Commission and accepted with no archaeological resources found on the site. As a result, no mitigation is required. A standard “Discovery Clause” condition is recommended per County Code Section 22.12.090 and 22.12.100 in the event that resources are found at a later date. See Condition Number 13.

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact

The project site lies approximately 0.6 mile from the Maacama Fault Zone and would be subject to ground shaking in the event of major seismic activity. Current State Building Code regulations will apply which will likely include soils reports to address potential seismic and wind conditions. As a result, the project is not expected to pose a substantial risk to people due to a seismic event. No mitigation required.

b) Less than Significant Impact

Grading activities associated with the project will require permits through the County Department of Planning and Building Services. An existing access road will be used for future building and maintenance. Condition Numbers 14 through 16 are recommended to address potential short-term impacts from grading activities.

c) through e) No Impact

The project site is not located within areas known to include unstable or expansive soils, nor would it impact soils involving waste water disposal systems.

<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less Than Significant Impact

Production of Greenhouse Gases (GHG) will result from construction activities, vehicle trips to maintain the facility, and emission from the diesel generator. After construction is complete, traffic to the site will likely consist of visits by company representatives as necessary to maintain the facility. The applicant is proposing to install a 30-kilowatt generator, to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. Any diesel engines in excess of 50 horsepower are required to meet current emission standards and will require a permit from AQMD. Additional measures may be imposed by AQMD to control emissions through their permit requirements. The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG, either directly or indirectly. No mitigation required.

b) No Impact

To date, no Federal, State, or Project area local agencies have developed thresholds against which a proposed project can be evaluated to assist lead agencies in determining whether or not the climate change impact from a proposed project is significant. The global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. Staff determined that GHG emissions associated with the project will not result in a significant impact.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Less Than Significant Impact

The applicant is proposing to install a 30-kilowatt generator, to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing along with a diesel storage tank. Fuel trucks will need to access the site to refuel storage tank. The number of trips will depend on the number and length of primary line power outages. The periodic transport of diesel fuel to the site is not expected to create a significant hazard to the public or the environment.

b) Less Than Significant Impact

Materials such as oil and diesel fuel used for the generator are subject to a Hazardous Materials Business Plan through the County Division of Environmental Health (DEH). The plan must identify actions to be taken should a fuel or oil spill occur on site, including cleanup methods and appropriate agencies to contact in an emergency situation. Condition Number 17 is recommended to ensure standards are met to the satisfaction of DEH.

c) through g) No Impact

The project is not located near an existing or proposed school, nor is it listed as a hazardous material site per Government Code Section 65962.5. The closest airport is located approximately 4.5 miles south of the project site and no private airstrips exist within the immediate vicinity of the site. The project would not interfere with any adopted emergency response or evacuation plans.

The property is not in a heavily forested area subject to wildland fires; however fire danger is always a high concern in Mendocino County during the dry season. The proposed site is near the summit of Sanel Mountain. Surrounding area consists of sparse ground vegetation with some scattered oak trees. After construction is complete, traffic to the site will consist of one or two visits per month by company representatives as necessary to maintain the facility. The project will not expose people or structures to significant risk due to wildland fires.

h) Less Than Significant Impact

The property is located within an area designated as a Very High Fire Hazard according to the California Department of Forestry and Fire (CalFire). The surrounding area consists of thick stands of timberland with associated ground vegetation. Preliminary clearance was obtained through CalFire (#108-15) involving addressing and roadway standards. Additional comments received from CalFire note that the project will be subject to standard fire safe regulations per CCR Section 4290. Condition Number 18 is recommended to ensure compliance with all regulations of CalFire and/or the Little Lake Fire District. As a result, the project will not expose people or structures to significant risk due to wildland fires.

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

of the site or area, including 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 on- or off-site?				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact

The project has the potential to impact water quality during project construction due to erosion and sedimentation. Condition Numbers 14 through 16 are recommended to prevent erosion and its potential impact to water quality.

b) through l) No Impact

The project does not require the use of water. The property is neither subject to flooding nor inundation by seiche, tsunami or mudflow. Development of the applicant’s lease area and minor road improvements will not significantly alter the existing drainage pattern of the site. No potential impacts to water quality are anticipated once the facility is constructed and road improvements are completed.

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) No Impact

The project will not result in any physical improvements or barriers that would divide an established community.

b) Less Than Significant with Mitigation Incorporated

The project site was originally shown in the application materials to straddle two separate legal parcels. The applicant was notified of County Code setback requirements within the Upland Residential (UR) district of 50 feet from property lines, as well as provisions of the Wireless Guidelines requiring wireless structures to be set back from property lines a minimum of 110% of their total height. In this instance, the requested 135 foot monopine would need to sit a minimum of 148.5 feet from all property lines.

It was suggested by Planning staff at that time that the applicant seek a Boundary Line Adjustment to reconfigure the main property such that the minimum setbacks could be met. As a result, Boundary Line Adjustment (BLA) #B_2016-0014 was brought before the County Subdivision Committee on June 9, 2016, reconfiguring the parcels so that the monopine would be sited 160 feet from property lines, tentatively resolving the matter. Given that the BLA has yet to be completed as of this writing (i.e. new legal descriptions have not yet been recorded), Condition Number 19 is recommended to ensure that this process be finalized prior to approval of any building permits for the subject project. No other mitigation is required.

c) No Impact

The project is not located within any habitat conservation or natural community conservation plan areas.

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) No Impact

There are no known mineral resources that would become unavailable as a result of the project. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

<u>XII. NOISE.</u> Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact

The County has identified noise standard within the County General Plan to ensure noise compatibility between land uses. The project is subject to the noise standards found in the County General Plan including:

- Exterior Noise Level Standards (Table 3-J) (General Plan Policy DE-100)
- Noise Compatibility Guidelines (Table 3-K) (General Plan Policy DE-101)
- Maximum Acceptable Interior Noise Levels (Table 3-L) (General Plan Policy DE-103)

The applicant is proposing to install a 30-kilowatt generator to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. The nearest residence is on an separate parcel under the same ownership approximately 800 feet from the proposed facility. A Recreational Vehicle (RV) is located across Highway 101 just over 1,000 feet from the proposed facility. The project is not expected to conflict with above noted noise standards. County Wireless Guidelines Standard (C)(1)(I) calls for generators to be equipped with mufflers and spark arresters, and to not produce noise levels exceeding 50 dBa at the nearest off site residence, which is recommended as Condition Number 20.

b) and c) No Impact

There are no activities associated with the project that would generate excessive groundborne vibration or groundborne noise levels. The project will not result in any permanent increase in ambient noise levels in the project vicinity.

d) Less than Significant Impact

The applicant is proposing to install a 30-kilowatt generator to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. The project is not expected to cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

e) and f) No Impact

The project is not located within two miles of an airport, nor is any known private airstrips within the vicinity.

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through c) No Impact

The project would not affect existing housing or create a demand for new housing. No residences will be removed as a result of the project.

<u>XIV. PUBLIC SERVICES.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact or No Impact

Demand for fire protection and police services are not expected to significantly increase as a result of the project. The project is within the California Department of Forestry and Fire Protection (CalFire) responsibility area. CalFire reviewed the proposed project and recommended fire safe standards through a preliminary clearance letter (#108-15). Condition Number 18 requires the applicant to complete fire safe standards to the satisfaction of CalFire as well as any additional requirements requested by Little Lake Fire District. The project will not increase population or demand for schools and parks or otherwise have any direct impact on other public facilities.

The County Wireless Guidelines requires that the facility be made available for emergency service providers upon request, provided that “no interference to function will result at a minimum or no fee.” Condition Number 21 is recommended to ensure compliance with this section of the Guidelines.

<u>XV. RECREATION.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) **No Impact**

The project will not result in an increased demand or use of recreational facilities.

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a), c) and f) **Less than Significant Impact**

Access to the site is via an existing private driveway off of State Highway 101. The project will generate only a minor amount of additional traffic in conjunction with the construction and/or maintenance of the facility. After construction is complete, traffic to the site will consist of one monthly visit by company representatives as necessary to maintain the facility.

b) and d) **No Impact**

Adequate parking exists on-site. The project will not result in new parking demands. Existing transportation system provides adequate access to the property. The project will not result in a substantial increase in traffic levels that would alter present traffic patterns.

e) **Less than Significant Impact**

CalFire will require that the existing private driveway to the facility be improved to minimum emergency access standards (see Condition Number 18).

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through g) **No Impact**

The project does not require the use of water or a wastewater treatment system.

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant with Mitigation Incorporated**

As noted above in Section IV (Biological Resources), the project has the potential to degrade the quality of the environment by impacting habitat for the Western pond turtle or nesting birds in the event that vegetation removal occurs during certain periods of the year. Mitigation Measures have been recommended to reduce potential impacts to a less than significant level (see Conditions Number 10 and 11). Also noted above in Section V

(Cultural Resources), the project would not eliminate important examples of the major periods of California history or prehistory.

b) No Impact

There are no impacts associated with the current project that become significant when considered in conjunction with other existing or planned facilities in the vicinity.

c) Less Than Significant Impact

The Federal Communications Commission (FCC) has set maximum permissible exposure limits for radio frequency transmitters, and the Telecommunications Act of 1996 requires that wireless facilities comply with FCC regulations for emissions.

A study was prepared for the project by consulting engineers Hammett and Edison, Inc. (dated October 14, 2014) to evaluate the proposed facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. Results of the study state that:

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be...0.74% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 0.88% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

The facility will not be accessible to the general public. Overall, adverse effects on human health from the project would be less than significant either directly or indirectly.

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.

DATE

JOHN SPEKA

Resolution Number _____

COUNTY OF MENDOCINO
UKIAH, CALIFORNIA
AUGUST 18, 2016

U_2015-0010 GARMAN FAMILY LAND COMPANY LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MAJOR USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATION FACILITY.

WHEREAS, the applicant, Garman Family Land Company LLC and Cellco Partnership, Verizon, filed an application for Major Use Permit with the Mendocino County Department of Planning and Building Services to construct and operate a wireless communication facility consisting of a 135 foot tall "monopine," nine (9) panel antennas with auxiliary equipment, ground equipment including a 30 kw diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area, 7.5+- miles north of the City of Willits, lying on the west side of Highway 101 at its intersection with Shimmins Ridge Road (CR 310B); APNs 037-080-16, -19, 037-530-13 and 037-050-54, General Plan UR40, UR20 and RL160; Zoning UR 40:FP, and UR 20:FP; Supervisorial District 3; (the "Project"); and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on July 20, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on August 18, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the MITIGATED NEGATIVE DECLARATION and the Project. All interested persons were given an opportunity to hear and be heard regarding the MITIGATED NEGATIVE DECLARATION and the Project; and

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

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

1. General Plan Findings: The subject property is classified Remote Residential (RMR) under the General Plan. The project is consistent with the General Plan Policy DE-15.
2. Zoning Findings: The subject property is zoned Upland Residential (UR). The project is consistent with County Zoning per Section 20.056.020.
3. Wireless Guidelines: The project is consistent with the County Guidelines for the Development of Wireless Communication Facilities including Section B (Application Submittal Requirements) and Section C (Standards).
4. Use Permit Findings: The project, subject to the conditions of approval found in Exhibit A of the resolution, [?] fulfill the following use permit findings:
 - a) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;

- b) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- c) That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- d) That such use preserves the integrity of the zoning district.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

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

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

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

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

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: _____

BY: STEVEN D. DUNNICLIFF
Director

MOLLY WARNER, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM AUGUST 18, 2016

U_2015-0010 - GARMAN

Use permit to authorize construction and operation of a wireless communication facility consisting of a 135 foot tall "monopine," nine (9) panel antennas with auxiliary equipment, ground equipment including a 30 kw diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area.

APPROVED PROJECT DESCRIPTION: Use permit to authorize construction and operation of a wireless communication facility consisting of a 135 foot tall "monopine," nine (9) panel antennas with auxiliary equipment, ground equipment including a 30 kilowatt diesel generator, 132 gallon fuel tank and a 194 square foot equipment shelter all to be located within a fenced 30x30 foot leased area.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by **):

Aesthetics

- **1. Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
- **2. The total height of tower including antennas will not exceed 135 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height. To exceed this height will require approval of a Use Permit Modification.
- **3. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
- **4. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
- **5. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
- **6. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.

Air Quality

7. Prior to the development phase of the project, the applicant shall prepare an Asbestos Dust Mitigation Plan to be submitted to the Mendocino County Air Quality Management District for approval. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating that the Plan is adequate and the project is in compliance with State and Local regulations relating to naturally occurring asbestos.
8. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating the condition has been met to its satisfaction.
9. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator. Written verification from the Air Quality Management District shall be submitted to the Department of Planning and Building Services stating the condition has been met to its satisfaction.

Biological Resources

- **10. The following measures shall be implemented to prevent or minimize the potential for Western pond turtle to reach the proposed access route during construction activities:
 - a. Before any construction activities begin, exclusion fencing shall be installed in a manner such as to prevent the migration of WPTU from entering the western most portion of the access route. The exclusion fencing shall be maintained for the duration of construction activities, and shall be checked for stranded WPTU daily.
 - b. A biological monitor shall conduct a training session for all construction workers before work is started in the Action Area.
 - c. A speed limit of 15 miles per hour on dirt roads will be maintained.
 - d. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day, and removed completely from the site once every three days.
 - e. No pets will be allowed anywhere in the project site during construction.
 - f. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.
- **11. In the event of any vegetation removal as part of the project, removal shall occur after August 31 and before February 1 (if feasible) to avoid impacts to nesting birds. If vegetation must be removed during the nesting season (February 1 to August 31), nest surveys shall be conducted prior to vegetation removal. Vegetation may be removed between February 1 and August 31 provided that the applicant has a biologist or other qualified professional survey the proposed work area to verify the absence of nesting birds. The detailed survey shall be submitted to the California Department of Fish and Wildlife (DFW) for review and comment prior to commencement of vegetation removal. Take or destruction of birds or their nests is prohibited pursuant to Fish and Game Code sections 3503, 3503.5, and 3513.
12. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,260.25 (OR CURRENT FEE) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to September 2, 2016 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the

project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Cultural Resources

13. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology & Soils

14. The applicant shall obtain all necessary permits through the County Building Division prior to grading or construction.
15. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
16. The applicant shall **acknowledge in writing** to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices:”
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).

- A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Hazards/Hazardous Materials

17. All storage of oil or diesel shall obtain appropriate hazardous materials permits through the County Division of Environmental Health (DEH). Written verification from the DEH shall be submitted to the Department of Planning and Building Services stating the condition has been met to its satisfaction.
18. The applicant shall comply with any requirements or recommendations of Cal-Fire and/or the Little Lake Fire District. Written verification shall be submitted from the office of both agencies to the Department of Planning and Building Services that this condition has been met to the satisfaction of each.

Land Use and Planning

19. Boundary Line Adjustment #B_2016-0014 shall be issued a Completion Certificate prior to approval of any building permits for the subject facilities. All proposed structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

Noise

20. The generator shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBa at the nearest off site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary the generator shall be enclosed by a noise barrier shelter designed by an acoustical engineer and shall remain oriented and screened to limit excessive noise to surrounding residences. A generator or alternative backup power sources as approved by the Department of Planning and Building Services shall be installed prior to final approval of applicable Building Permit(s).

Public Services

21. The applicant shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Wireless Guidelines

22. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the communications facility, and shall provide the name, address, and emergency telephone number of the responsible company. The address assigned to the site by the Planning and Building Services Department shall be posted.
23. This permit is issued for a period of ten years, and shall expire on August 18, 2026. The applicant has the sole responsibility for renewing this permit before the expiration date. The County will not provide a notice prior to the expiration date.

Standard Conditions

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

25. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
26. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
27. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
28. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.
29. Future modifications shall be considered cumulatively to determine if request constitutes a "substantial change" to the facility under applicable federal law.
30. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

*** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.*