OWNER:	BARBARA & ROBERT GARIBALDI 20001 SOUTH HIGHWAY 1 MANCHESTER, CA 95459
APPLICANT:	U.S. CELLULAR 8410 WEST BRYN MAWR AVE CHICAGO, IL 60631
AGENT:	NICOLE GOI / FAULK & FOSTER 6240 LANDIS AVE CARMICHAEL, CA 95608
REQUEST:	Use Permit Modification/Renewal to allow for the addition of three (3) new panel antennas and associated equipment at 55 feet on an existing 60 foot tall lattice tower.
ENVIRONMENTAL REVIEW:	Categorically Exempt from CEQA, Class 1(b) (Minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.)
RECOMMENDATION:	Approve the Use Permit Modification, subject to the attached findings and conditions of approval.
LOCATION:	In the Manchester area lying outside the Coastal Zone on the east side of Highway 1, approximately ½ mile north of the intersection of Mountain View Road (CR 510) and Highway 1. Located at 20001 South Highway 1, Manchester; APN: 133-110-27.
SUPERVISORIAL DISTRICT:	5
EXISTING CONDITIONS:	General Plan: Rangeland (RL 160 acre minimum) Zoning: Rangeland (RL 160 acre minimum) Total Acreage: 282± acres Improvements: Wireless communications facility

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:

- The tower was originally constructed by U.S. Cellular in 1995 and received a zoning exemption from the County.

- #U 1-2004 was approved by the Zoning Administrator, April 26, 2004 for the expansion of a legal non-conforming use to add six (6) panel antennas (measuring 8 feet by 1 foot each) in three arrays, or sectors of two antennas each, to an existing 60 foot tall wireless communication tower.

SITE CHARACTERISTICS: A single-family residence and several out buildings currently exist on the site. These improvements are located approximately ½ mile to the west of the tower site. The area around the tower is used for the grazing of animals. The existing tower is approximately 60 feet tall and has three omni antennas, one of which extends approximately 15 feet above the tower structure itself with the other two antenna poles extending down from the top of the tower.

PROJECT DESCRIPTION: U.S. Cellular proposes to remove two (2) omni antennas at the 55 foot center line, remove one (1) omni antenna at the 58 foot center line, add three (3) panel antennas at the 55 foot centerline with associated equipment for a total of nine (9) panel antennas located on the tower. No grading will take place with this project.

The existing U.S. Cellular wireless communications facility consists of a 60 foot tall steel lattice tower and prefabricated concrete equipment shelter. Existing associated equipment includes a generator and two liquid propane gas tanks. The tower, shelter, and associated equipment are enclosed by a secure chain-link fence.

ENVIRONMENTAL REVIEW: The project is Categorically Exempt from the California Environmental Quality Act (CEQA), Class 1b, Section 15301(b), which states that minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services is exempt from CEQA.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RV/AG 40/RL 160	AG 40/RL 160	0.5-78± acres	Mixed Use
EAST	RL 160	RL 160	160± acres	Rangeland/AG
SOUTH	RL 160	RL 160	1.1-155± acres	Rangeland/AG
WEST	RV/AG 40/RL 160	AG 40/RL 160	1-192± acres	Mixed Use

SERVICES:

Access: Site is accessed by either Highway 1, through the ranch property, or possibly from private ranch roads extending from the terminus of Crispin Road.

Fire District: California Department of Forestry and Fire Protection (CalFire).

Water District: Subject site uses no water.

Sewer District: Subject site uses no sewer facilities.

AGENCY POLICIES AND STANDARDS:

Federal Communication Commission (FCC):
The Wireless Communications Act of 1996 prohibits local governments from regulating wireless service facilities based on environmental effects of Radio Frequency (RF) emissions as long as the facilities comply with Federal Communication Commission (FCC) regulations for RF emissions. U.S. Cellular provided a Radio Frequency Statement for the proposed project stating that:

"U.S. Cellular's proposed system by itself, and in conjunction with other facilities in the vicinity, will conform to radio frequency radiation emission standards adopted by the FCC."

KEY ISSUES:

General Plan and Zoning Consistency: The existing subject wireless communication facility is a permitted conditional use within the Rangeland 160 General Plan Land Use classification. The zoning classification for the parcel is Rangeland (RL). This use is a "Major Impact Services and Utilities" use type which is allowed in the RL zone district with a major use permit. As the facility already exists, this use permit assesses the modification and renewal of the established use of major impact utilities and services. Surrounding lands are zoned Rangeland (RL) or Agriculture (AG) and are used for grazing land. The addition to the wireless facility does not conflict with the planned use of the area or the resource production capability of the land. This site is a small portion of a much larger ownership.

Compliance with Wireless Communications Guidelines: The applicant has submitted all information as required by the Wireless Communications Guidelines adopted by the Planning Commission.

Land Use Compatibility: The primary concerns for wireless communication facilities are aesthetics and land use. The County's Wireless Communication Guidelines list residential areas as the "least preferred" sites for wireless facilities. The site is in a remote area, with the nearest residence that staff is aware of, other than the property owner's residence, being approximately 1/3 mile to the northeast. Surrounding parcel sizes range from 0.5± to 200± acres. The issue of potential conflict with residential land use compatibility is not significant. The only past concerns from the surrounding community regarding the facility were atheistic. A condition requiring landscaping was included on the original permit #U 1-2004 by planning commission in a response to relive any public concerns in regards to aesthetic impacts of the tower. This condition must continue to be adhered to upon approval of this permit. See Condition Number 19.

Visual Impact: The site is in an isolated location and can only be viewed from a distance. The tower is not visible from Highway 1, and is only visible at a distance from Mountain View Road. The new antennas will be located at the top of the tower, and would add some mass to the tower top when viewed from a distance. However the omni antennas, which extend above the top of the tower, are proposed to be removed in accordance with this project which will reduce the existing aesthetic impacts of the tower. The existing tower is within a rural area, surrounded by rural ranch rangelands.

In the event that use of the facility should cease, it is recommended that Conditions Number 7 and 8 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.

RECOMMENDATION: That the Planning Commission APPROVE Use Permit Modification #UM 1-2004/2014 subject to the findings and conditions of approval recommended by staff:

Environmental Findings: The Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act, Section 15301, Class 1(b).

General Plan Consistency Findings: As discussed under pertinent sections of the staff report, the proposed project is consistent with the applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Project Findings:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

   Adequate utilities and site improvements will be provided in accordance with the conditions of approval. Proof that these conditions have been met will be submitted to Planning and Building Services before the finalization of any building permits.

2. 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, nor will the proposed use be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

   The modification to the existing tower will not constitute a nuisance or be detrimental to the surrounding area if the project is conducted as proposed and is in accordance with all conditions of approval. Conditions that will ensure this finding can be made outline county noise standards, downcast lighting and site improvements. Proof that these conditions have been met will be submitted to Planning and Building Services before the finalization of any building permits.

3. That such use preserves the integrity of the zoning district.

The subject property is zoned RL 160, which allows for public facilities and utilities uses, subject to a Major Use Permit. The proposed use conforms to all regulations of the zoning districts and preserves the integrity of such districts.

CONDITIONS OF APPROVAL:

1. This permit is issued for a period of ten years, and shall expire on December 18, 2024. 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. All previous Use Permit entitlements governing this site with respect to the subject cell tower shall be modified to December 18, 2024 as well.

   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.

   The applicant shall be subject to all conditions approved under all previously issued permits.

2. 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.

3. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.

   a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.

   b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.

   c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.

   d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.

   e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.

   f. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:

      1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).

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

4. 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 lights shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.

5. Prior to any work within the County or State road right-of-way, including the installation of underground utility services, the applicant shall obtain an encroachment permit from the appropriate transportation agency.

6. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

7. 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.

8. 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.

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

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

11. Prior to the final inspection by the Building Division, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.

12. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.

13. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.

14. 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.

15. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.

16. 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.

17. 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.

18. 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.

19. The applicant shall install landscape screening around the wireless communication compound. The screening shall consist of a mixture of five-gallon native trees and shrubs, planted on a maximum of eight-foot centers. Such vegetation shall be planted and maintained in healthy condition in location to screen views from all neighboring properties and public views. All vegetation shall be non-invasive and indigenous to the area.

20. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.

21. 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.

22. The total height of facility including antennas will not exceed 60 feet in height above ground level. Upon completion of the installation of the facility and prior to final of the building permit, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height. Exceeding this height limitation shall require a modification of this Use Permit.

23. 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.

24. Future modifications shall be considered cumulatively to determine if request constitutes a “substantial change” to the facility under applicable federal law.

_____ _____

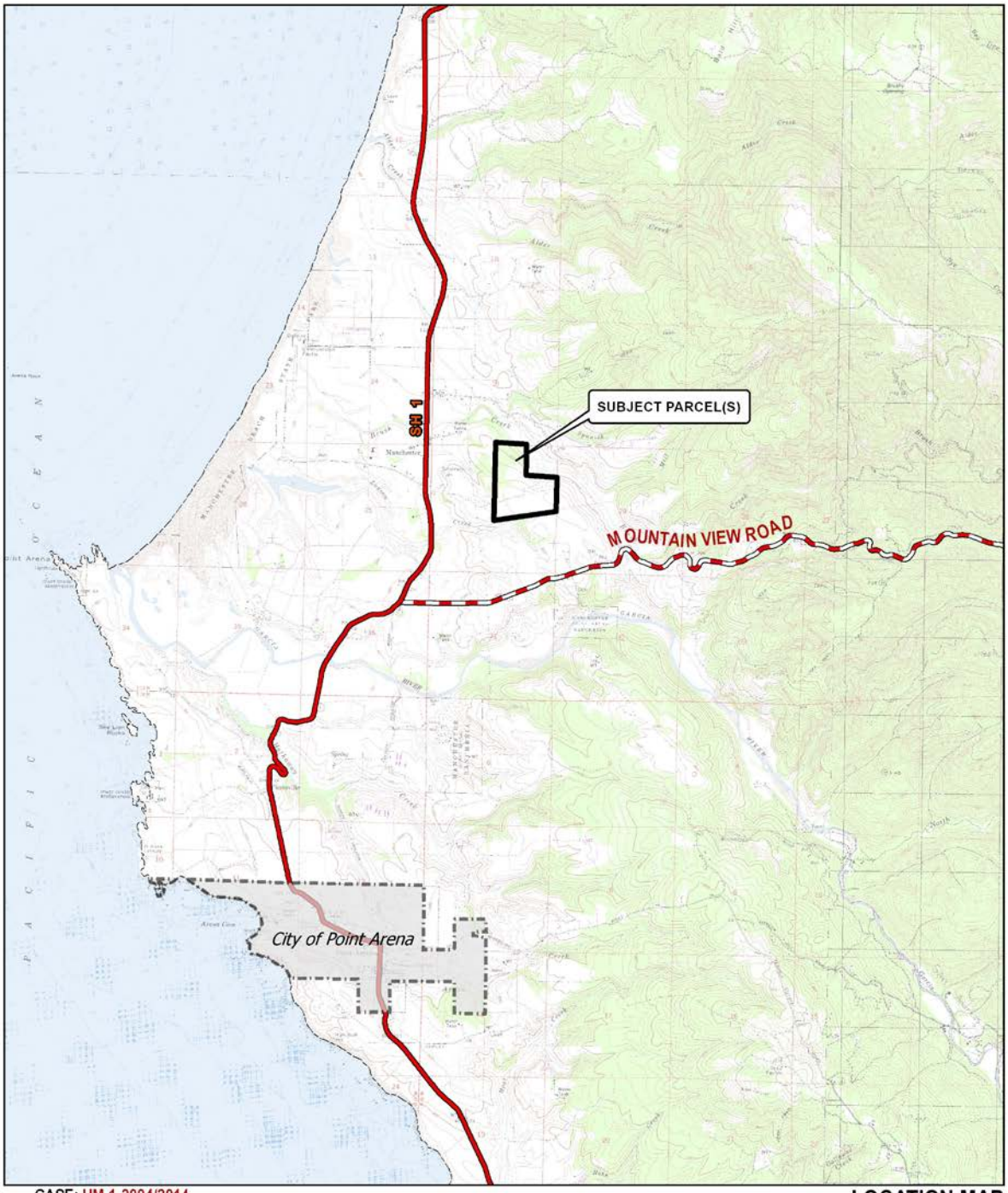
DATE MATTHEW GILSTER
PLANNER

MG/hm
October 28, 2014

Categorically Exempt
Appeal Fee - $910.00
Appeal Period - 10 days

SUMMARY OF AGENCY COMMENTS:

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Department of Transportation	X		
Planning (Fort Bragg)	X		
Environmental Health (Ukiah)		X	
Environmental Health (Fort Bragg)		X	
Building Inspection (Ukiah)		X	
Building Inspection (Fort Bragg)			
Assessor	X		
Caltrans - Division of Aeronautics	X		
CalFire		X	
Department of Fish and Wildlife	X		
Federal Communications Commission	X		
Federal Aviation Administration	X		
Air Quality Management District		X	
Farm Advisor	X		
Public Utilities Commission	X		
Redwood Coast Fire District	X		



CASE: UM 1-2004/2014
OWNER: Diamond KJ Properties, LLC
APN: 133-110-27
AGENT: Nicole Goi
ADDRESS: 20001 S. Hwy. 1, Manchester

LOCATION MAP

0 2,625 5,250 Feet
0 0.5 1 Miles
1:63,360

EXHIBIT NO: 1

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2010 NAIP AERIAL ORTHOPHOTO

0 205 410 Feet
0 0.035 0.07 Miles
1:4,800

EXHIBIT NO: 2

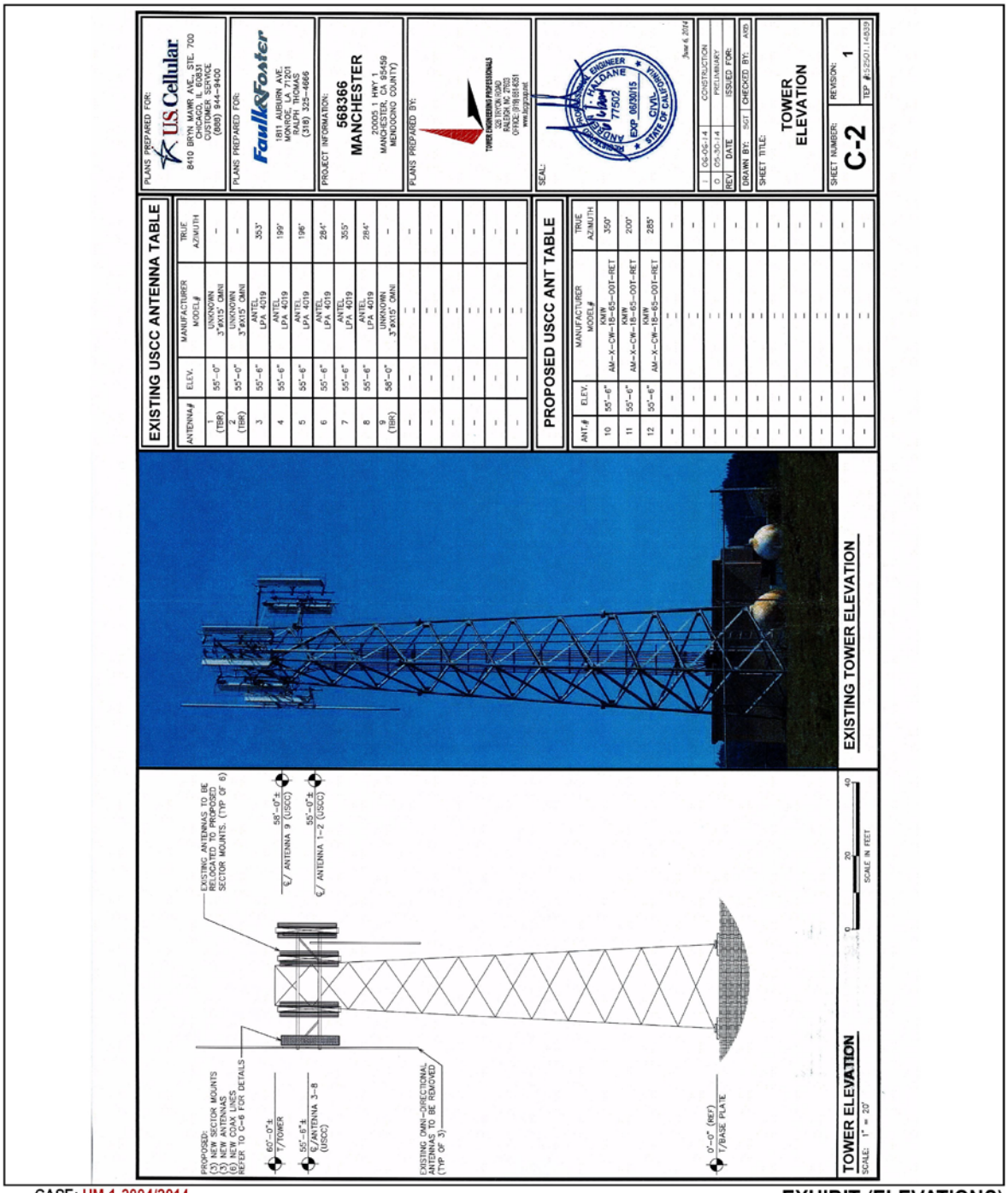

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EXHIBIT (ELEVATIONS)

NO SCALE

EXHIBIT NO: 3-A

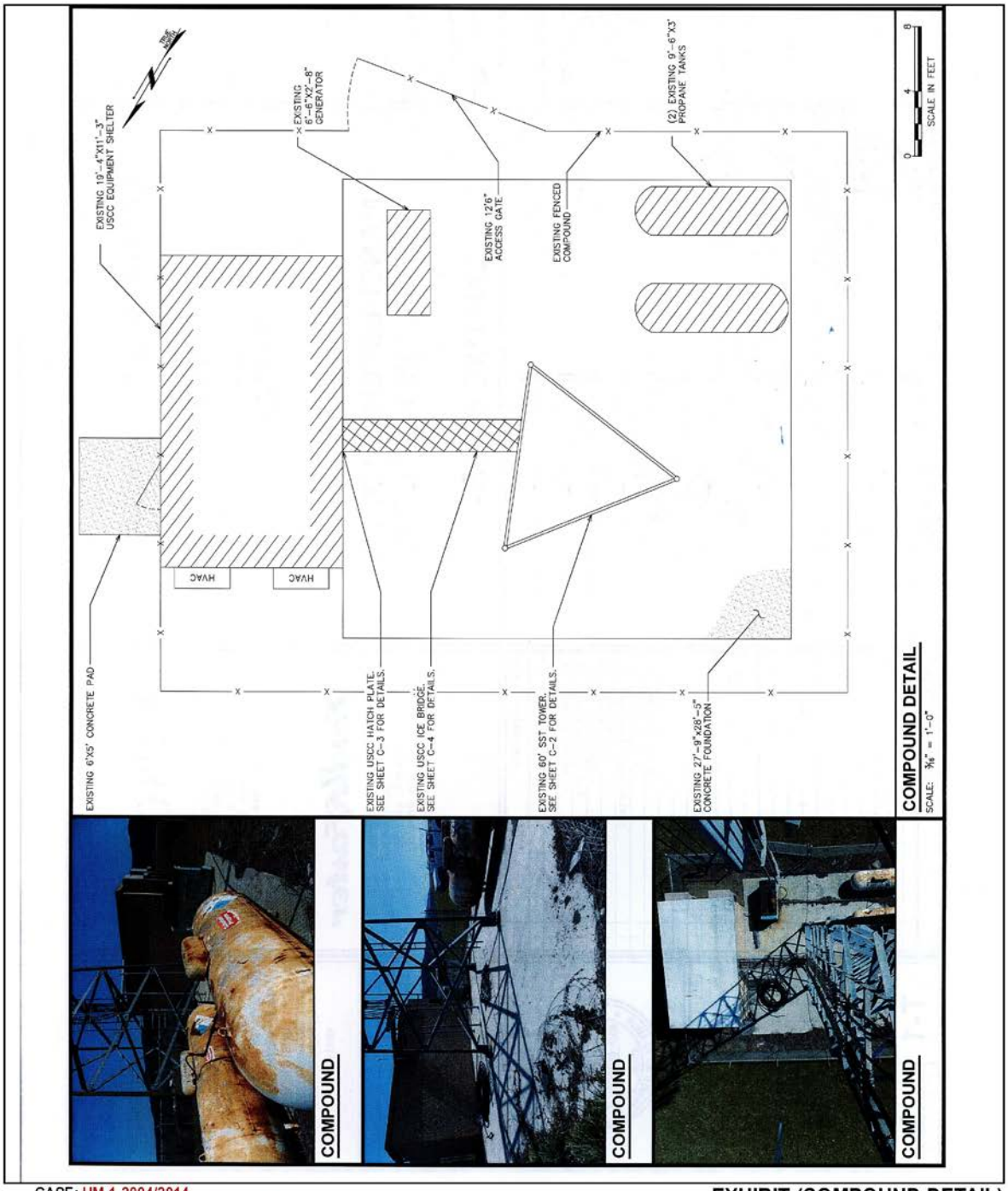

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EXHIBIT (COMPOUND DETAIL)

NO SCALE

EXHIBIT NO: 3-C