



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR
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February 22, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, March 7, 2024, at 10:00 a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will take place in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California**, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas>.

CASE#: UR_2023-0007

DATE FILED: 9/19/2023

OWNER: MELISSA & SCOTT ROSENTHAL

APPLICANT: T-MOBILE WEST LLC

AGENT: NETWORK CONNEX

REQUEST: Renewal of Use Permit U_2010-0010 to allow an existing cellular antenna facility to remain. The renewal would be granted for a ten-year period.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: 1± mile south of Leggett town center, lying on the west side of State Highway 271, 0.3± miles north of its intersection with State Route 101, located at 66250 Highway 271, Leggett; APN: 053-400-43.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: STEVEN SWITZER

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

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov by March 6, 2024, or orally via telecomment. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to present testimony in this matter.

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

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



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

**MARCH 7, 2024
UR_2023-0007**

SUMMARY

OWNER: MELISSA & SCOTT ROSENTHAL
66150 DRIVE THRU TREE RD
LEGGETT, CA 95585

APPLICANT: T-MOBILE WEST LLC
1855 GATEWAY BLVD. STE 900
CONCORD, CA 94520

AGENT: RUTH SEGURA (NETWORK CONNEX)
655 N. CENTRAL AVE. STE. 1520
GLENDALE, CA 91203

REQUEST: Renewal of Use Permit U_2010-0010 to allow an existing cellular antenna facility to remain. The renewal would be granted for a ten-year period.

LOCATION: 1± mile south of Leggett town center, lying on the west side of State Highway 271, 0.3± miles north of its intersection with State Route 101, located at 66250 Highway 271, Leggett; APN 053-400-43.

TOTAL ACREAGE: 45.32± Acres

GENERAL PLAN: Rural Community (RC)

ZONING: Rural Community (RC), Floodplain Combining District (FP)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: CATEGORICAL EXEMPTION

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: STEVEN SWITZER

BACKGROUND

PROJECT DESCRIPTION: Renewal of Use Permit U_2010-0010 to allow an existing cellular antenna facility to remain. The renewal would be granted for a ten-year period.

There are no proposed changes to the 160-foot-tall lattice tower or ground equipment; nor are there any requests for physical modifications to the Wireless Communications Facility (WCF) owned and operated by T-Mobile West LLC with this Use Permit Renewal.

APPLICANT'S STATEMENT: "Renew Use Permit U_2010-0010."

RELATED APPLICATIONS:

- **U_2010-0010:** Use Permit to authorize construction of a new wireless communication facility. Approved July 21, 2011.
- **BU_2012-0540:** Building Permit for cell tower 120 foot tall 9 antennas 3 cabinets
- **BU_2018-1938:** Building Permit to install 3 new antennas, 3 new radios, 1 hybrid, and 1 COVP

- **AP_2018-0058:** Administrative Permit to add 3 new antennas, 3 new radio units, and various appurtenant equipment on the tower
- **AP_2020-0039:** Administrative Permit to install generator and transfer switch

SITE CHARACTERISTICS: The wireless communication facility will remain an unmanned facility that will operate 24 hours a day, 7 days a week. The northwest portion of the subject property boasts the Drive Thru Tree tourist attraction. The subject 120-foot-tall lattice tower and equipment building are located within a 1,200 square foot leased area within a larger 45± acre “host” parcel and are enclosed and secured with a 6-foot-high chain link fence. The tower has 9 panel antennas mounted on their centerline at the 118-foot level. Elevations of the leased area is approximately 1,340 feet above mean sea level (AMSL) and the project is situated 1,040± feet east of the South Fork Eel River and 0.25± mile from State Highway 271. The parcel is in an area designated as a High Fire Hazard and is located within the Leggett Valley Fire Protection District. Access would be provided by a private driveway previously constructed for a timber harvest operation that extends from SR 271 to the project site. The nearest known off-site residences are located 1,000± feet north and 1,300± feet southeast of the project site.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Community (RC)	Rural Community (RC:40K)	1.8± to 4± Acres	Commercial; Civic
EAST	Rural Community (RC)	SR (Suburban Residential)	36± Acres	Civic
SOUTH	Forest Lands (FL)	SR (Suburban Residential)	40± Acres	Civic
WEST	Forest Lands (FL)	TPZ (Timberland Production Zoning)	225± Acres	Agricultural

PUBLIC SERVICES:

Access: State Highway 271 (SR 271)
 Fire District: Leggett Valley Fire Protection District
 Water District: NONE
 Sewer District: NONE
 School District: Leggett Valley Unified School District

AGENCY COMMENTS: On October 30, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Air Quality Management	No Response
Assessor	No Response
Building Inspection - Ukiah	No Comment
Caltrans	No Response
Cloverdale Rancheria	No Response
Department of Fish and Wildlife	No Comment
CalFire -Land Use	No Response
CalFire -Resource Management	Comment
Leggett Valley Fire Protection District	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

General Plan and Zoning Consistency: The project site is located on a parcel designated under Mendocino County General Plan (MCGP) Chapter 3: Development Element, Policy DE-11, Land Use Category: RC – Rural Community. The parcel is also zoned Rural Community (RC). MCGP, Ch. 3, Policy DE-11 provides that the RC classification intends to:

...to be applied to small, unincorporated towns and community centers (including areas in the Community Planning Areas) and to areas near City boundaries, which provide a variety of community and tourist-oriented goods and services but may not have well-defined or identifiable commercial or residential districts. This classification may also be appropriate around a central commercial or industrial nucleus.

The Rural Community designation anticipates multiple land uses on any given lot, consistent with and supportive of a higher intensity of development in the community area core that will further define these town centers. Preference shall be given to those projects providing affordable housing, consistent with policies of the County's Housing Element, and infill development.

General Uses within this classification include residential developments of varying densities (with development of affordable multi-family residential units to be classified in the Zoning Ordinance as a permitted use), mobile home parks, community commercial, tourist commercial, cottage industries, light industrial, public facilities, public services, public assemblies, and utility installations.

The Major Impact Services and Utilities use type is permitted in the RC zoning district upon issuance of a Major Use Permit. Accordingly, Use Permit U_2010-0010 was approved by the Mendocino County Planning Commission authorizing the construction of a new wireless communication facility. At the time of approval U_2010-0010 was found to be consistent with the General Plan RC Classification and zoning district. Subsequent modifications have also been found to be consistent with the General Plan and zoning ordinances as well, see the *Related Applications* section of this report. Considering that the General Plan Classification and zoning of the property has not changed since approval of U_2010-0010 and no modifications are being considered with this request, staff finds that the proposed renewal and continued use of the telecommunication facility is consistent with applicable goals and policies of the General Plan and zoning ordinance.

Wireless Communication Facility Development Guidelines: Staff evaluated the proposed project for consistency with the Wireless Communication Facilities Development Guidelines adopted by the Board of Supervisors on August 4, 2015 (Resolution No. 15-121). The existing facility pre-dates the adoption of the Wireless Communication Facilities Development Guidelines. The existing facility has been found to be consistent with the Guidelines for past modifications including several Administrative Permits listed above. Because no further changes are proposed at this time, this renewal is also found to be consistent with the Guidelines. Staff has recommended a condition of approval to require that future modifications to the facility be operated and maintained in conformance with these standards.

Further, the project is consistent with California Government Code Section 65850.6 and Section 6409 of the Federal Middle Class Tax Relief and Job Creation Action of 2012. Staff determined that renewal of the existing wireless facility is consistent with the applicable sections in that the application does not propose to alter the overall height or building mass of the tower.

Use Permit Findings:

1. Pursuant to Mendocino County Code (MCC) Section 20.196.020(A), the establishment, maintenance, and operation of the proposed use and structure being applied for is in conformity to the General Plan. The project involves renewal and continued use of an existing telecommunication facility established under use permit U_2010-0010. Modifications to the facility have been approved under subsequent administrative permits. Continued use of the facility in accordance with the recommended conditions of approval would be in conformity to the General Plan, including Policy DE-206 which encourages development of appropriate utility infrastructure; and
2. Pursuant to MCC Section 20.196.020(B), adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Access is provided by a private driveway extension from SR 271. A private utility company and backup diesel generator provides the electrical services. The subject 120-foot-tall lattice tower and equipment building are located within a 1,200 square foot leased area enclosed and secured with a 6-foot-high chain link fence. All utilities, access roads, drainage, and other facilities are existing, and no modifications are proposed; and

3. Pursuant to MCC Section 20.196.020(C), such use will not, under the circumstances of this particular case, 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. There have been no known formal complaints related to the telecommunication facility. Continued use in accordance with renewal of the use permit is not expected to create a nuisance. Operation of the telecommunication facility is not expected to create significant noise, light, odor, or hazardous materials. The project is an existing facility and found to be Categorically Exempt per 14 CCR §15301 *Existing Facilities*, Class 1(a) within the meaning of CEQA; and
4. Pursuant to MCC Section 20.196.020(D), such use preserves the integrity of the zoning district. The telecommunication facility occupies only a small portion of the property, 1,200± square foot leased area within the 45± acre subject parcel, with the remaining acreage devoted to tourist commercial, residential, and agricultural activities. Continuance of the governing Use Permit U_2010-0010 would not adversely affect the intent of the RC district. Further, the existing facility provides a public benefit by strengthening telecommunication infrastructure; and
5. The project is consistent with governing Use Permit conditions. Staff reviewed the application along with supplemental materials and determined that the project as proposed is consistent with conditions of approval previously adopted for Use Permit U_2010-0010 governing the site.

ENVIRONMENTAL PROTECTION

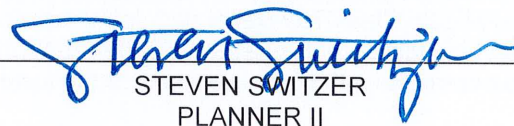
Pursuant to Title 14, Division 6, Chapter 3, Article 19, Section 15301 of California Environmental Quality Act (CEQA) Guidelines, the Secretary for Resources has found that Class 1 consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use is categorically exempt from CEQA. Considering the project request is to renew the governing Use Permit for the continued use of an existing Wireless Communications Facility, the project would qualify for this exemption. Therefore, Staff finds that the project would not have a significant effect on the environment and is declared to be categorically exempt from the further environmental review within the meaning of CEQA.

RECOMMENDATION

By resolution, approve Use Permit Renewal (UR_2023-0007), as proposed by the applicant, based on the facts and findings and subject to the conditions of approval contained in Exhibit A of the Resolution.

14 FEB 2024

DATE

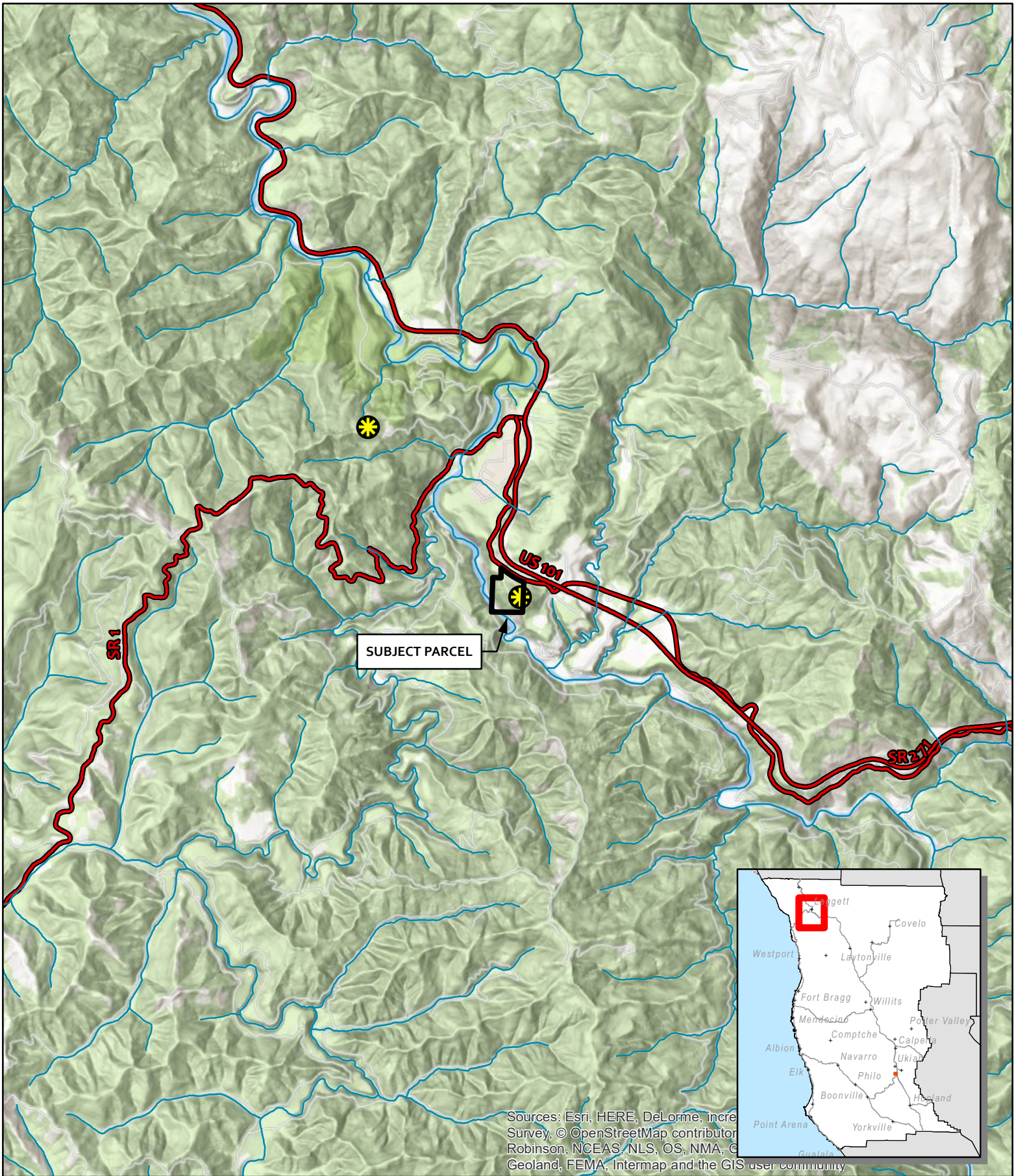

STEVEN SWITZER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|-------------------------|---------------------------------|
| A. Location Map | H. Wildland-Urban Interface Map |
| B. Aerial Map | I. Wetlands Map |
| C. Site/Tentative Map | J. Slopes Map |
| D. Zoning Map | K. Soils Map |
| E. General Plan Map | L. Farmlands Map |
| F. Adjacent Parcels Map | M. School District Map |
| G. Fire Hazards Map | |

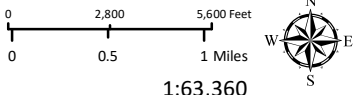
RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



Sources: Esri, HERE, DeLorme, Ince Survey, © OpenStreetMap contributor Robinson, NCEAS, NLS, OS, NMA, © Geoland, FEMA, Intermap and the GIS user community

CASE: UR 2023-0007
OWNER: ROSENTHAL, Scott & Melissa
APN: 053-400-43
APLCT: T-Mobile West LLC
AGENT: Ruth Segura
ADDRESS: 66250 Hwy 271, Leggett, CA

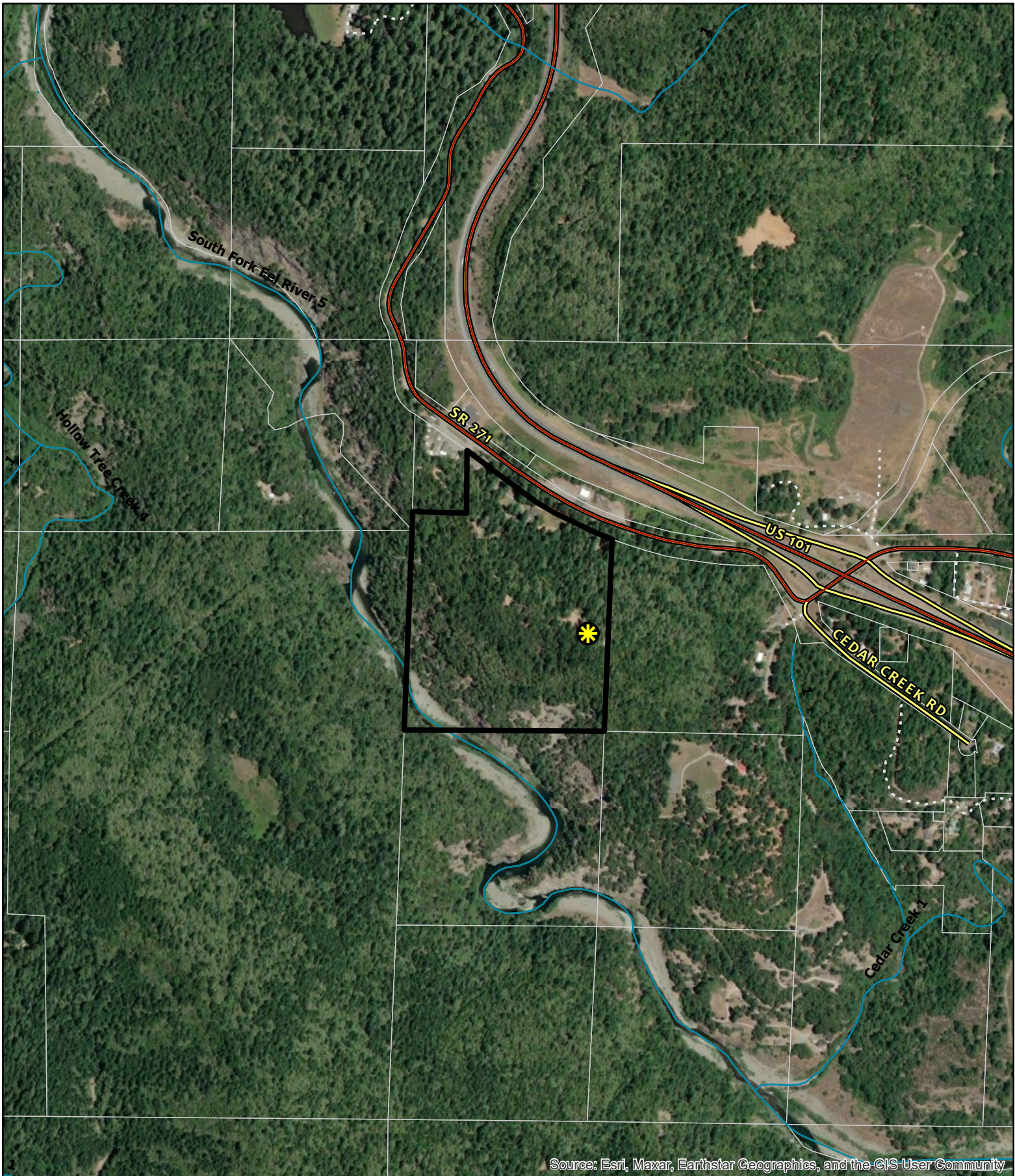
-  Hydrology
-  Highways
-  Approved Wireless Sites



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LOCATION

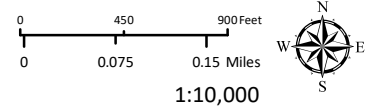
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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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- Hydrology
- Highways (2017)
- Public Roads
- Driveways/Unnamed Roads
- Assessors Parcels
- ✱ Approved Wireless Sites



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AERIAL IMAGERY

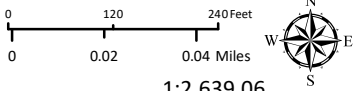
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- Hydrology
- Assessors Parcels
- Highways (2017)
- Approved Wireless Sites
- Public Roads



1:2,639.06

AERIAL IMAGERY

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NOTE:
 ALL PLANS AND DIMENSIONS HAVE BEEN CREATED USING EXISTING DRAWINGS WITHOUT THE USE OF A SURVEY. NETWORK CONNEX DOES NOT GUARANTEE WITHOUT THE USE OF A SURVEY. NETWORK CONNEX DOES NOT GUARANTEE THE ACCURACY OF THE DIMENSIONS OR THE PLACEMENT OF THE CONNEX AS SHOWN ON THESE PLANS. ALL MEASUREMENTS SHOULD BE FIELD VERIFIED.



OVERALL SITE PLAN

SCALE: 1" = 100'
 0 100 200
 1



Mobile
 Stick Together
 1855 GATEWAY BLVD, SUITE 900
 CONCORD, CA 94520

PROJECT INFORMATION:
 (AAV/MW)
 RECIPIENT
 REDWOOD LUMBER ANTENNA
 6540 REDWOOD LUMBER
 ROAD LEGGETT, CA 95555
 MENDOCINO COUNTY

CURRENT ISSUE DATE:
 06/21/23

ISSUED FOR:
CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
0	06/21/23	100% CD	ED

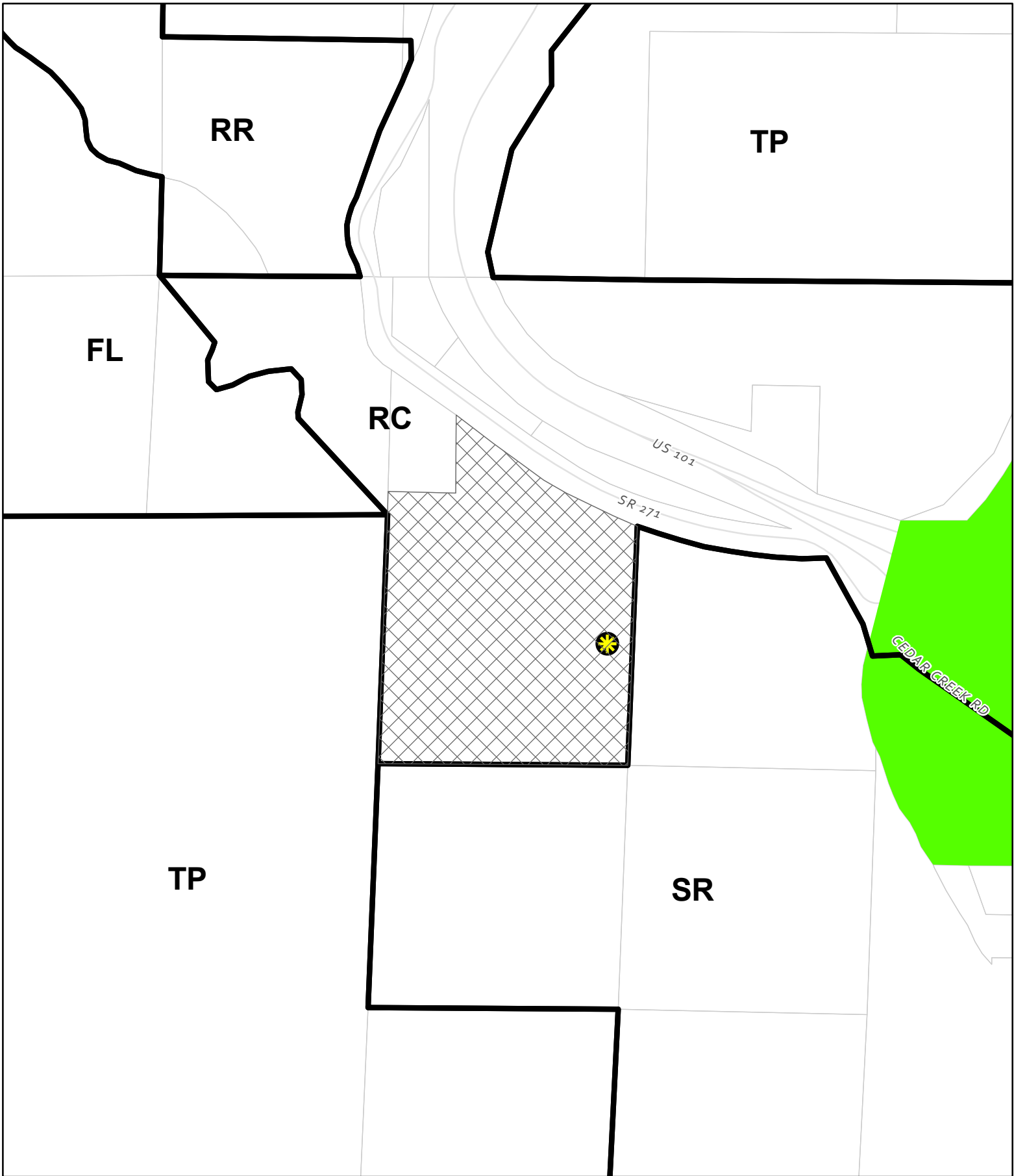
PLANS PREPARED BY:
NETWORK CONNEX
 7151 COLUMBIA GATEWAY DR, SUITE A
 NILES, IL 60067
www.networkconnex.com/

CONSULTANT:
NETWORK CONNEX
 7151 COLUMBIA GATEWAY DR, SUITE A
 COLUMBIA, MD 21046
www.networkconnex.com/






DRAWN BY: APV
 ED: TMM
 CHECKED BY: TMM
 LICENSED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. 51234

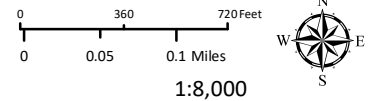
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 OVERALL SITE PLAN

SHEET NUMBER:
 A-1
 REVISION:
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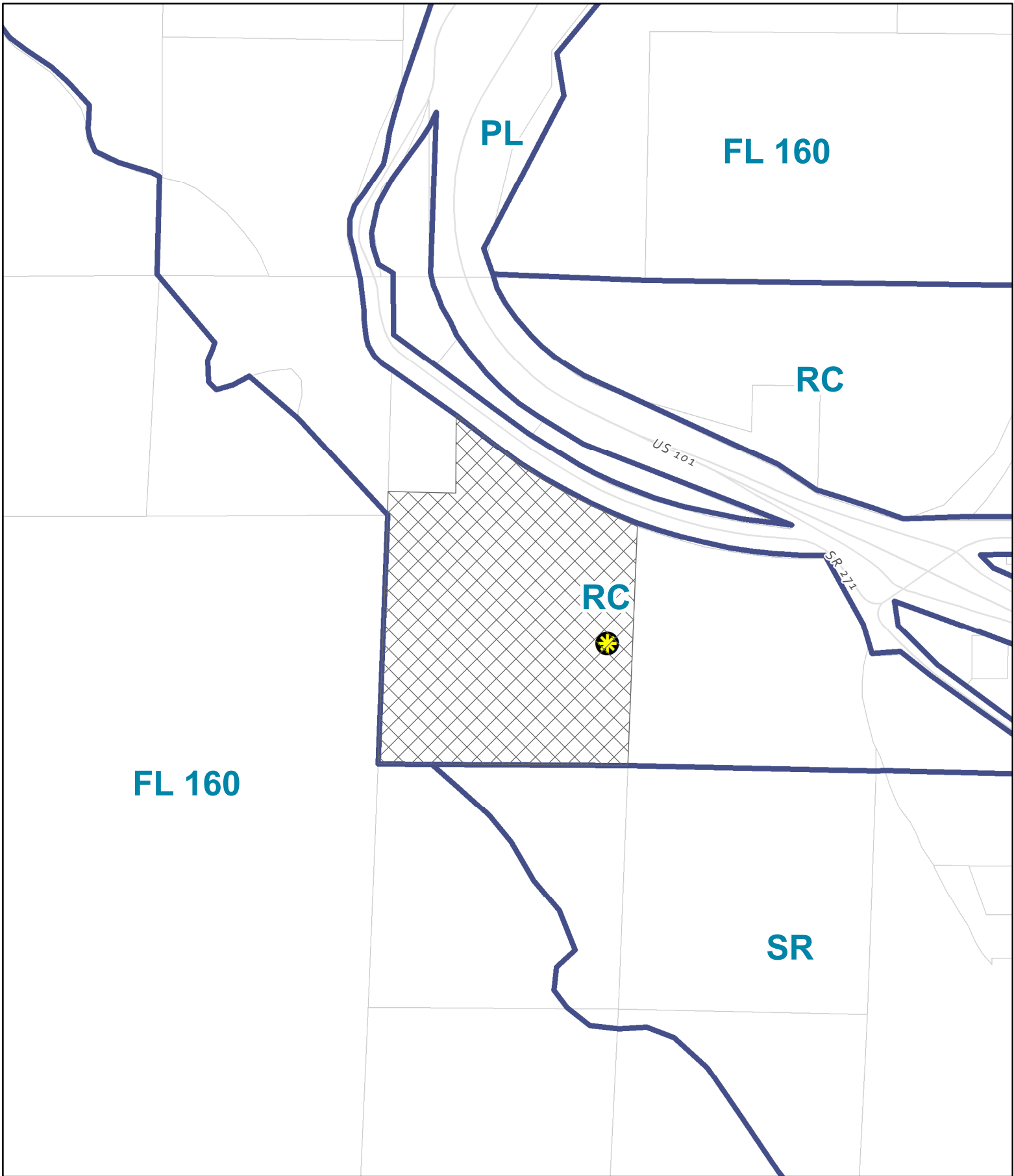
CASE: UR 2023-0007
OWNER: ROSENTHAL, Scott & Melissa
APN: 053-400-43
APLCT: T-Mobile West LLC
AGENT: Ruth Segura
ADDRESS: 66250 Hwy 271, Leggett, CA

-  Zoning Districts
-  Assessors Parcels
-  Cannabis_CA_Districts_021721
-  Approved Wireless Sites
-  Public Roads






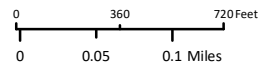
ZONING

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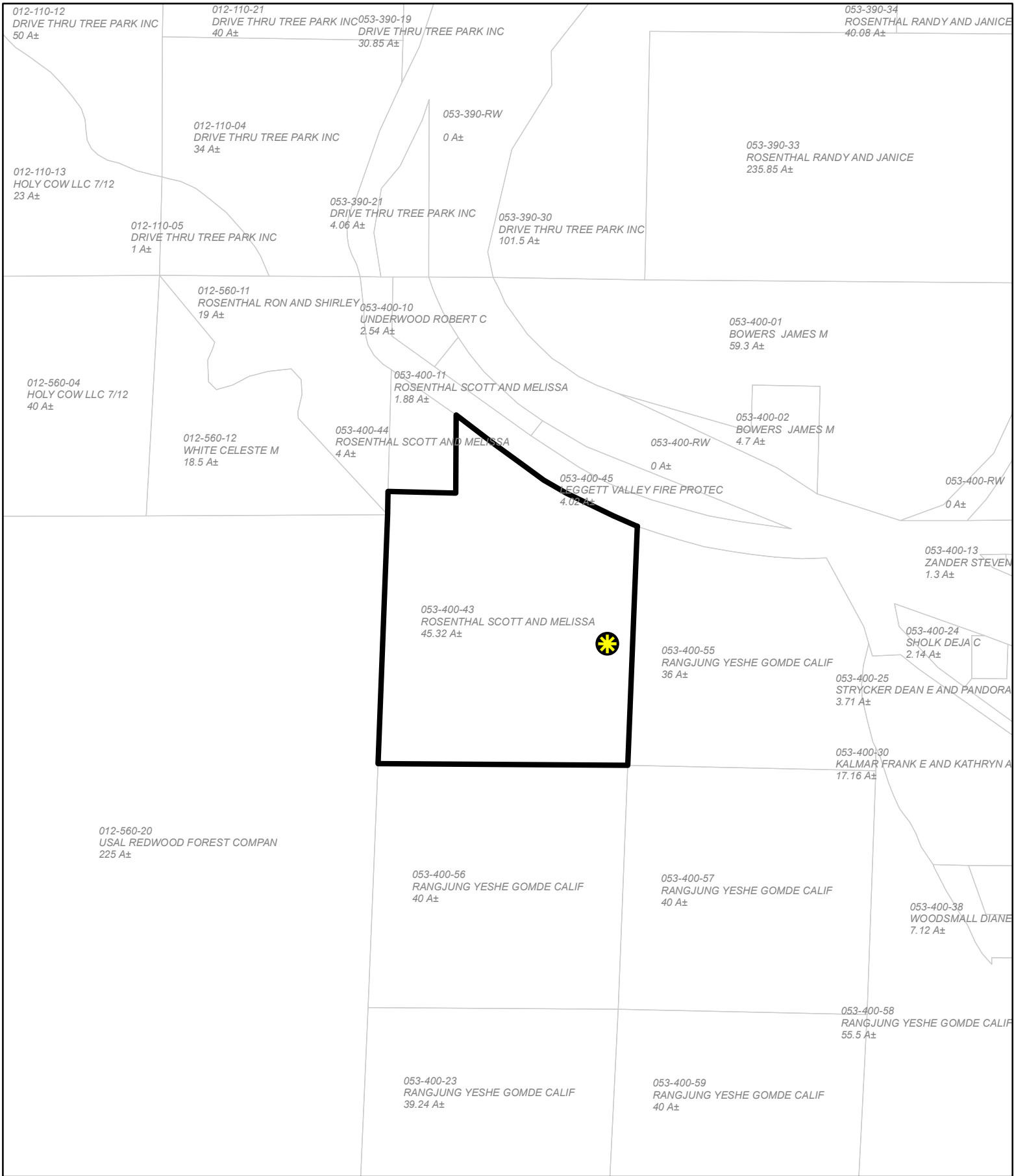
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-  Public Roads
-  Assessor's Parcels
-  Approved Wireless Sites



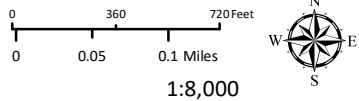
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GENERAL PLAN

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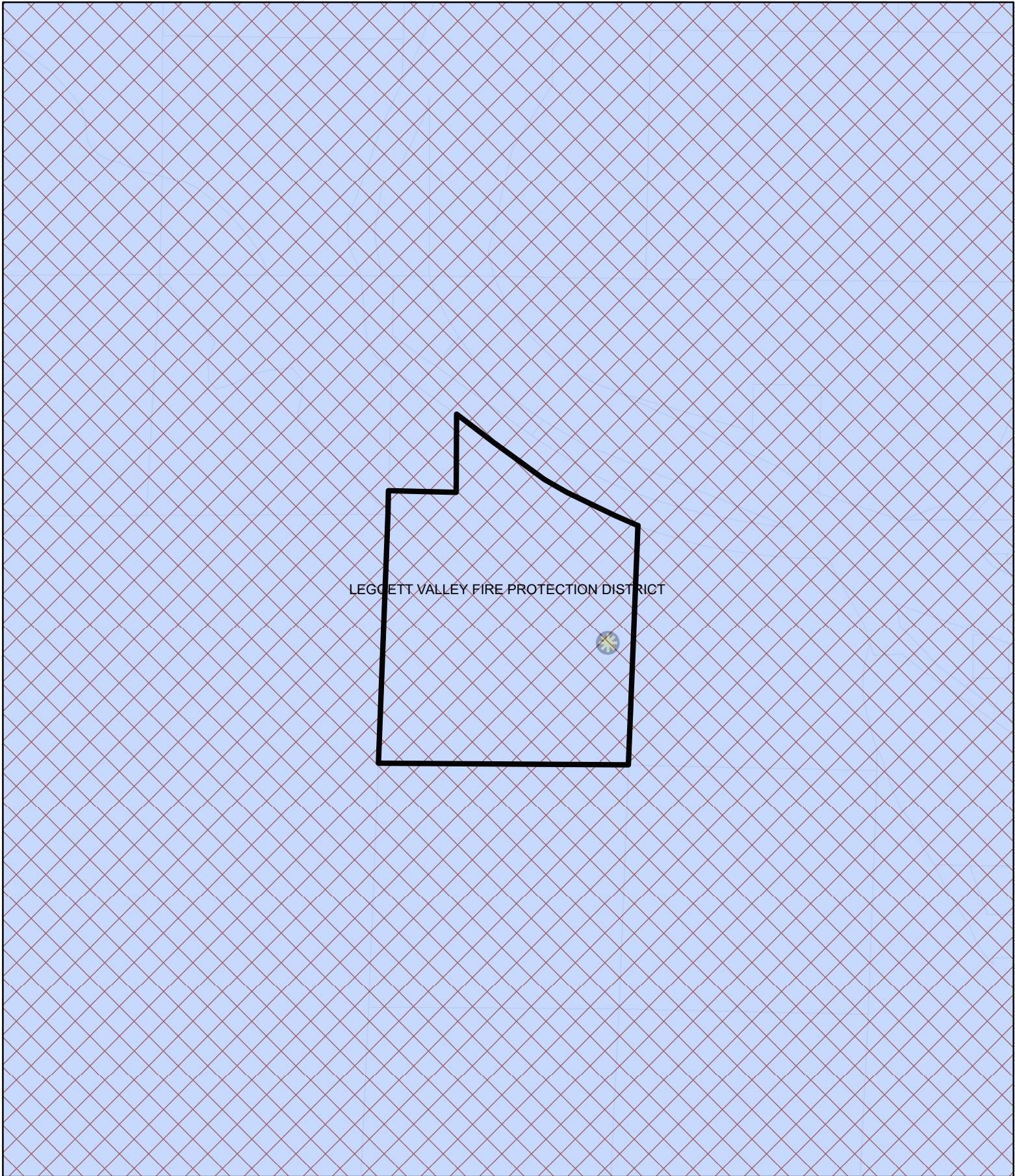
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- Assessors Parcels
- ★ Approved Wireless Sites



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ADJACENT PARCELS

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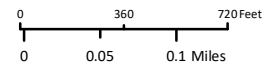
LEGGETT VALLEY FIRE PROTECTION DISTRICT



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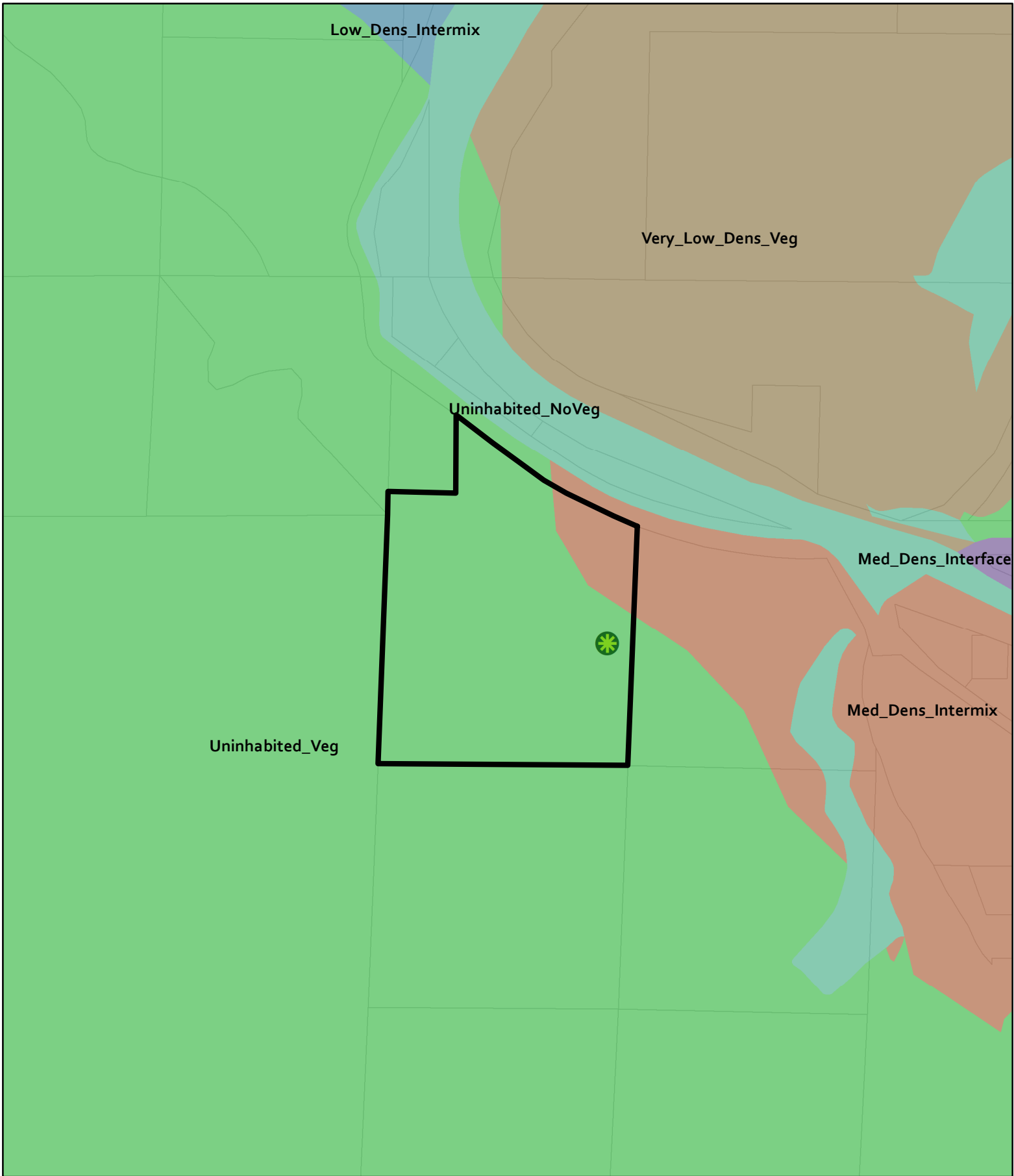
-  High Fire Hazard
-  County Fire Districts
-  Assessors Parcels

 Approved Wireless Sites





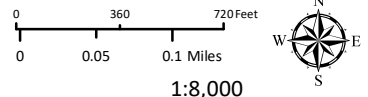
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FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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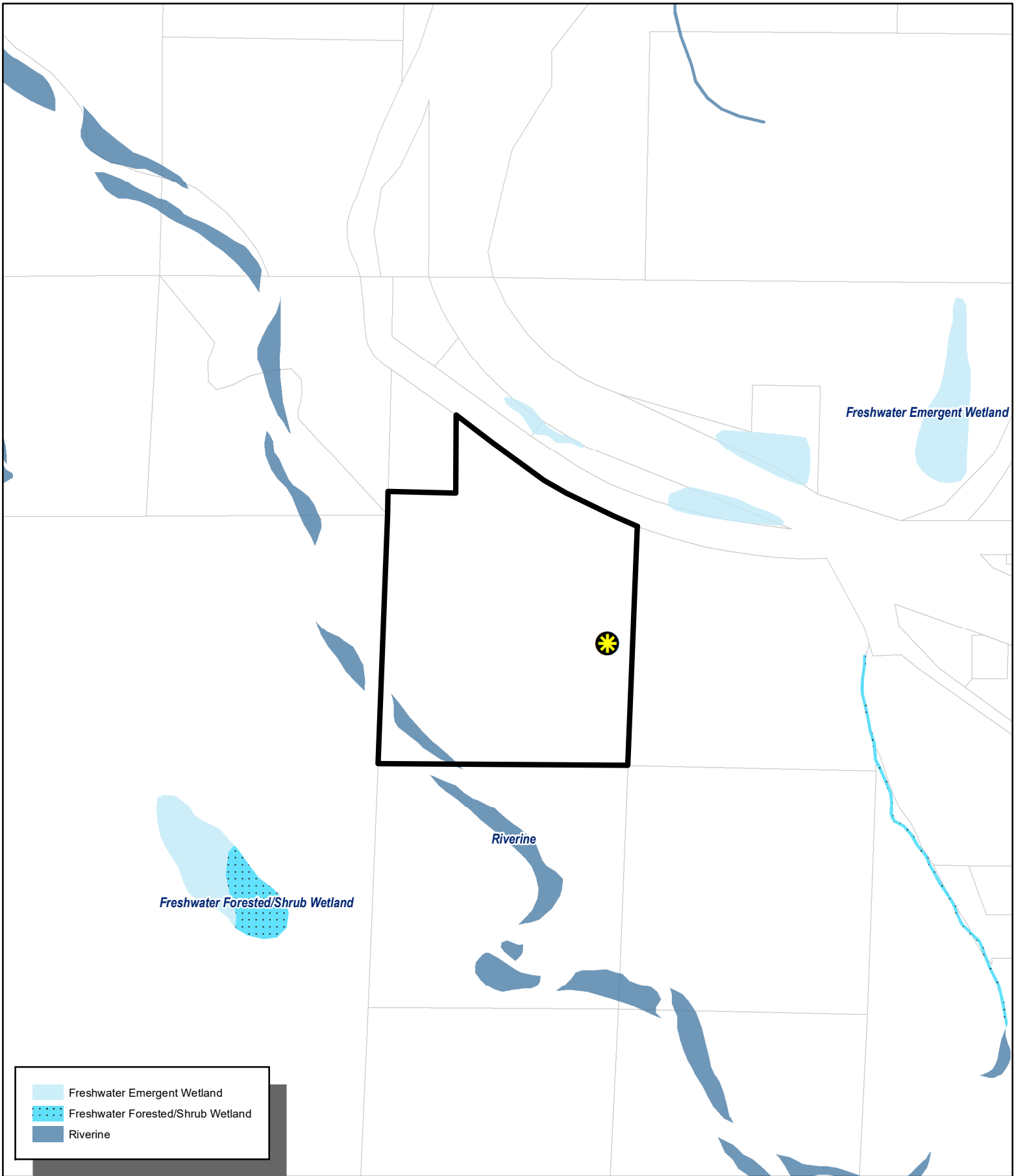
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


-  Assessors Parcels
-  Approved Wireless Sites





WILDLAND-URBAN INTERFACE


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	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Riverine

	Assessors Parcels
	Approved Wireless Sites

0 360 720 Feet
0 0.05 0.1 Miles

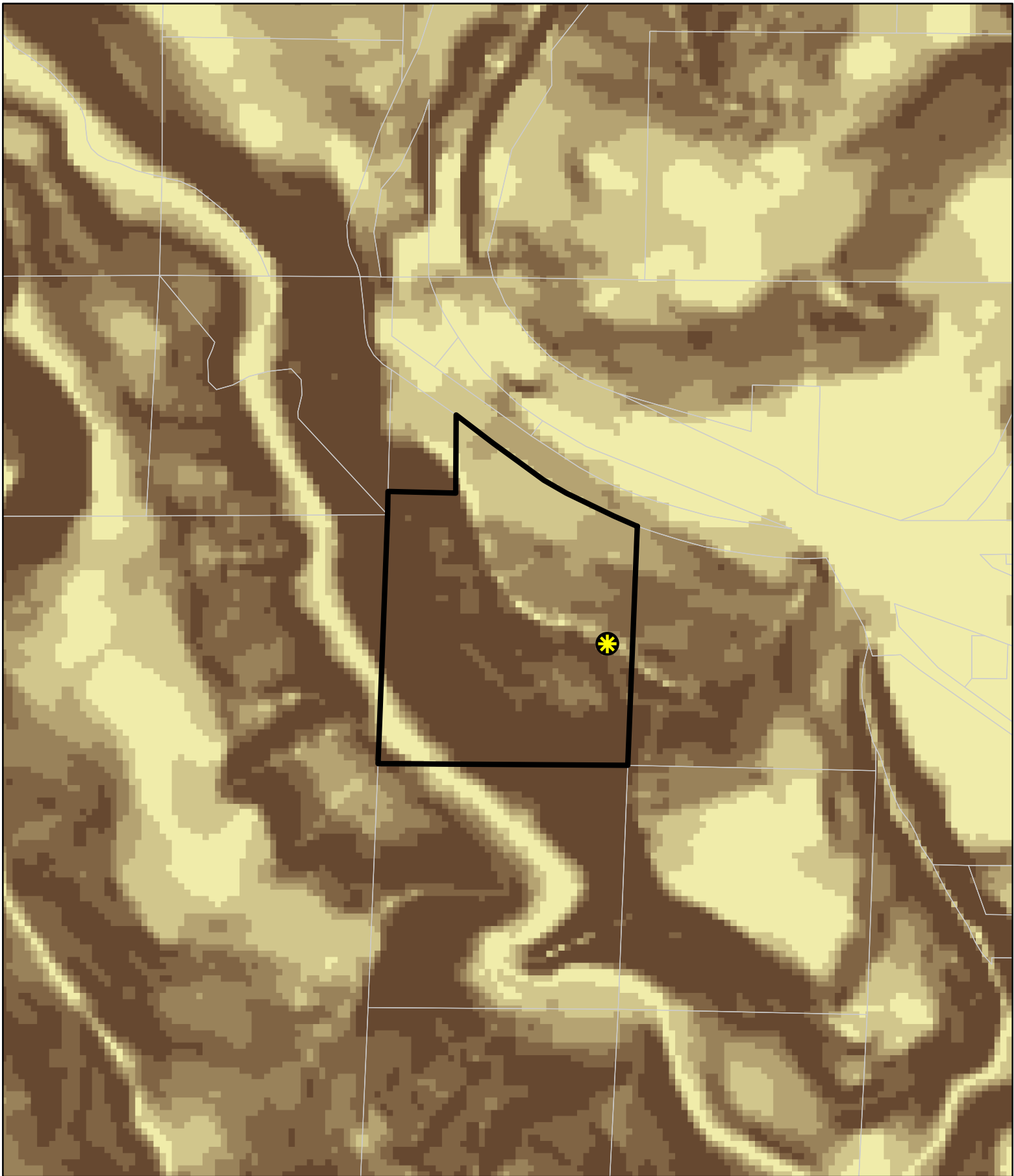


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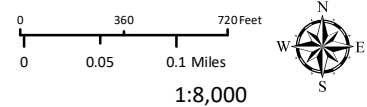
WETLANDS

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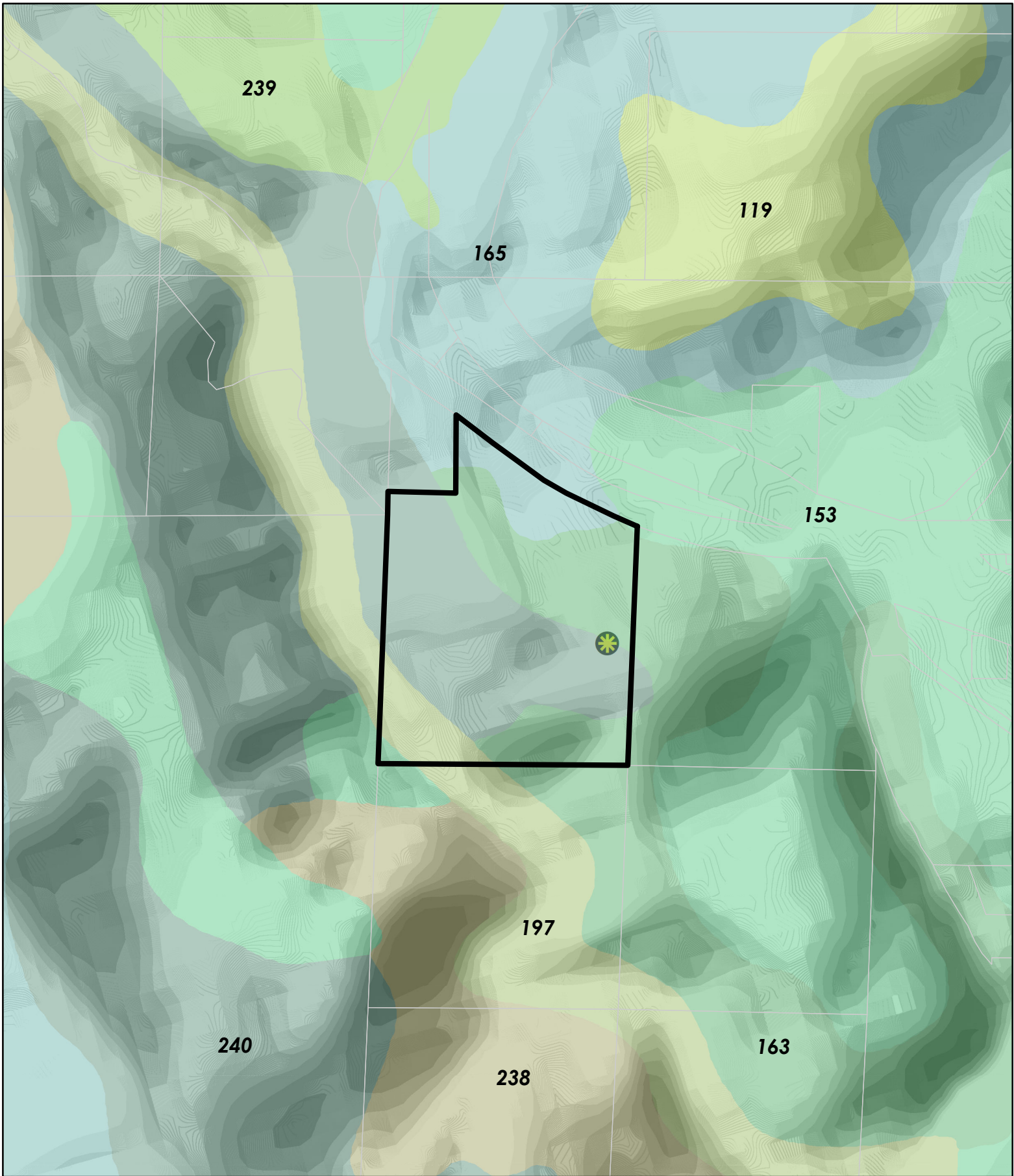


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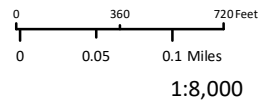
ESTIMATED SLOPE

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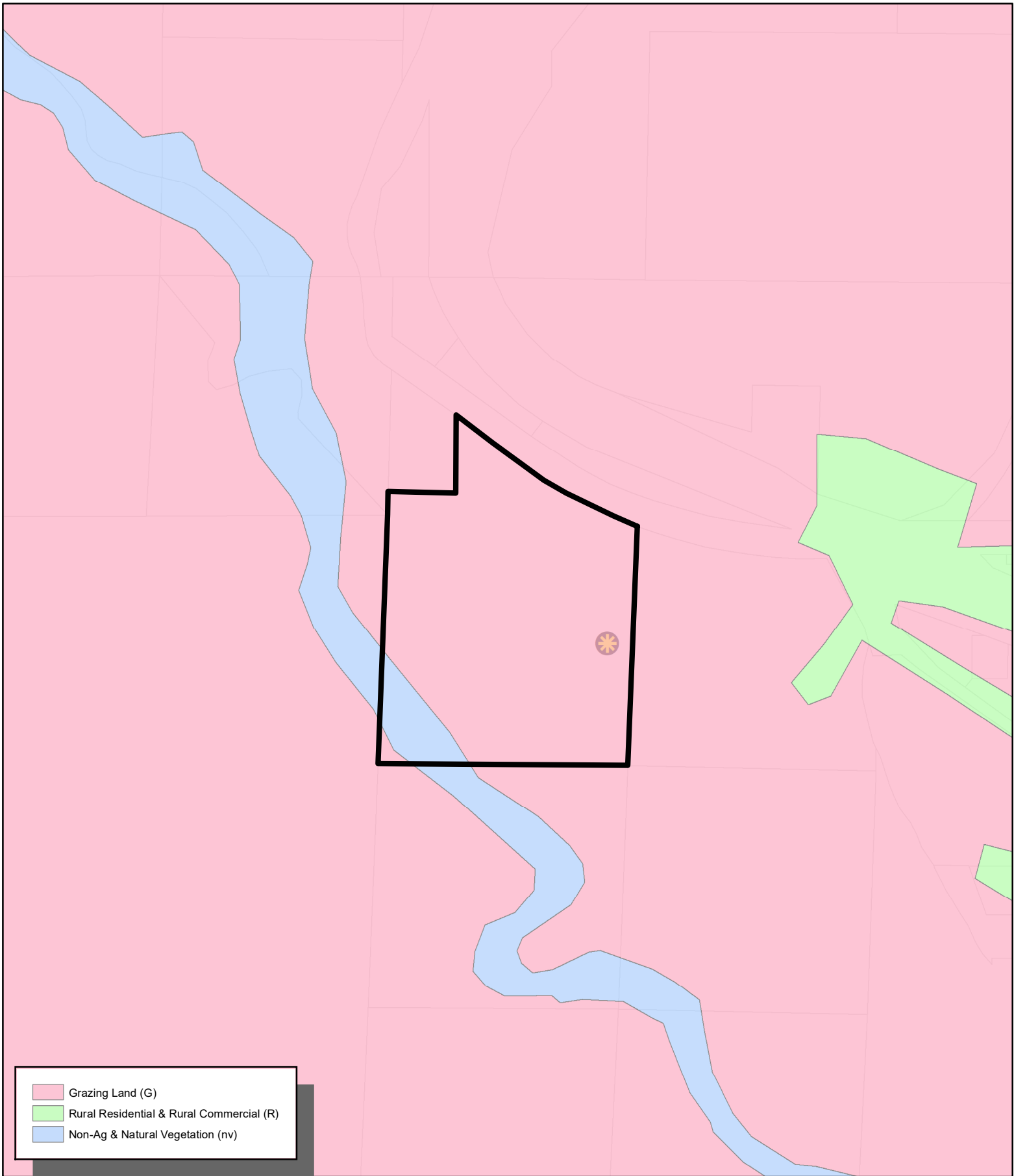
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-  Approved Wireless Sites





WESTERN SOIL CLASSIFICATIONS

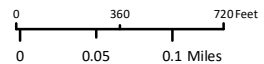
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	Grazing Land (G)
	Rural Residential & Rural Commercial (R)
	Non-Ag & Natural Vegetation (nv)

 Assessors Parcels

 Approved Wireless Sites



1:8,000


CASE: UR 2023-0007
OWNER: ROSENTHAL, Scott & Melissa
APN: 053-400-43
APLCT: T-Mobile West LLC
AGENT: Ruth Segura
ADDRESS: 66250 Hwy 271, Leggett, CA


IMPORTANT FARMLANDS

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Leggett Valley Unified

CASE:UR 2023-0007
OWNER:ROSENTHAL, Scott & Melissa
APN:053-400-43
APLCT:T-Mobile West LLC
AGENT:Ruth Segura
ADDRESS:66250 Hwy 271, Leggett, CA

 Assessors Parcels

 Approved Wireless Sites

0 360 720 Feet
0 0.05 0.1 Miles



1:8,000

SCHOOL DISTRICT

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Resolution Number _____

County of Mendocino
Ukiah, California

MARCH 7, 2024

UR_2023-0007 - T-MOBILE WEST LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING RENEWAL OF A USE PERMIT FOR AN EXISTING WIRELESS COMMUNICATIONS FACILITY

WHEREAS, the applicant, T-Mobile West LLC, filed an application for a Use Permit Renewal with the Mendocino County Department of Planning and Building Services to renew a telecommunications facility that consists of a 160-foot-tall lattice tower and associated ground equipment, located 1± mile south of Leggett town center, lying on the west side of State Highway 271, 0.3± miles north of its intersection with State Highway 101, located at 66250 Highway 271, Leggett; APN: 053-400-43; General Plan Rural Community (RC); Zoning Rural Community (RC), Floodplain Combining District (FP); Supervisorial District 4; (the "Project"); and

WHEREAS, the California Natural Resources Secretary has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents within the meaning of the California Environmental Quality Act (CEQA) and the project was found to be Categorically Exempt per 14 CCR §15301 *Existing Facilities*, Class 1(a); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 7, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings:

1. Pursuant to Mendocino County Code (MCC) Section 20.196.020(A), the establishment, maintenance, and operation of the proposed use and structure being applied for is in conformity to the General Plan. The project involves renewal and continued use of an existing telecommunication facility established under use permit U_2010-0010. Modifications to the facility have been approved under subsequent administrative permits. Continued use of the facility in accordance with the recommended conditions of approval would be in conformity to the General Plan, including Policy DE-206 which encourages development of appropriate utility infrastructure; and
2. Pursuant to MCC Section 20.196.020(B), adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Access is provided by a private driveway extension from SR 271. A private utility company and backup diesel generator provides the electrical services. The subject 120-foot-tall lattice tower and equipment building are located within a 1,200 square foot leased area enclosed and secured with a 6-foot-high chain link fence.

All utilities, access roads, drainage, and other facilities are existing, and no modifications are proposed; and

3. Pursuant to MCC Section 20.196.020(C), such use will not, under the circumstances of this particular case, 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. There have been no known formal complaints related to the telecommunication facility. Continued use in accordance with renewal of the use permit is not expected to create a nuisance. Operation of the telecommunication facility is not expected to create significant noise, light, odor, or hazardous materials. The project is an existing facility and found to be Categorically Exempt per 14 CCR §15301 Existing Facilities, Class 1(a) within the meaning of CEQA; and
4. Pursuant to MCC Section 20.196.020(D), such use preserves the integrity of the zoning district. The telecommunication facility occupies only a small portion of the property, 1,200± square foot leased area within the 45± acre subject parcel, with the remaining acreage devoted to tourist commercial, residential, and agricultural activities. Continuance of the governing Use Permit U_2010-0010 would not adversely affect the intent of the RC district. Further, the existing facility provides a public benefit by strengthening telecommunication infrastructure; and
5. The project is consistent with governing Use Permit conditions. Staff reviewed the application along with supplemental materials and determined that the project as proposed is consistent with conditions of approval previously adopted for Use Permit U_2010-0010 governing the site.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested use permit renewal (UR_2023-0003), 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 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 filed pursuant to Section 20.208.015 of the Mendocino County Code.

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

ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

BY: JULIA KROG
 Director of Planning & Building Services

 CLIFFORD PAULIN, Chair
 Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

MARCH 7, 2024

UR_2023-0007 - T-MOBILE WEST LLC

Renewal of Use Permit U_2010-0010 to allow an existing cellular antenna facility to remain. The renewal would be granted for a ten-year period.

APPROVED PROJECT DESCRIPTION: Renewal of Use Permit U_2010-0010 to allow an existing cellular antenna facility to remain. The renewal would be granted for a ten-year period.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. This permit shall become effective after the ten (10) day appeal period has expired and no appeal has been filed.
2. **This permit shall expire on July 21, 2031.** The applicant has the sole responsibility for submitting a completed application for a use permit renewal before the expiration date. **The County will not provide a notice prior to the expiration date.**
3. 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.
4. The application along with supplemental exhibits and related materials shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following:
 - 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.
 - d. A final judgement in a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
6. 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.
7. This permit shall be subject to the securing of all necessary permits for the proposed project from County, State, and Federal agencies having jurisdiction.

8. This permit shall be subject to the applicable conditions of approval set forth in the previous governing Use Permit U_2010-0010. Within 30 days of approval, the applicant shall submit to Planning and Building Services a signed letter of acknowledgement stating that they have read all Conditions of Approval for this permit as well as previously approved Use Permits and that this project will be consistent with all applicable conditions.
9. The applicant shall provide an updated 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.
10. Future modifications to the subject facility shall conform to the Wireless Communication Facilities Development Guidelines adopted by the Board of Supervisors on August 4, 2015, unless conditionally approved by modification of this governing permit and shall be considered cumulatively to determine if request constitutes a "substantial change" to the facility under applicable federal law.