



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

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.gov
www.mendocinocounty.gov/pbs

MEMORANDUM

DATE: MARCH 7, 2024
TO: PLANNING COMMISSION
FROM: STEVEN SWITZER, PLANNER II
SUBJECT: (UR_2023-0007) REVISED LANGUAGE FOR STAFF REPORT AND RESOLUTION

Upon further review, Staff identified two references of the existing cellular antenna facility as a 160-foot-tall lattice tower when the existing facility is a 120-foot-tall facility.

For the record, the Staff Report changes are referenced below. See the Relined Resolution attachment for changes to said resolution.

REDLINED STAFF REPORT PROJECT DESCRIPTION SECTION:

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~~ 120-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.

ATTACHMENTS:

Redlined Resolution

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~~120-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.