



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

August 3, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, August 18, 2011, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

**CASE#:** CDUM 21-2005/2011

**DATE FILED:** 5/23/2011

**OWNER:** BERIT CATTOLICO

**APPLICANT:** STATE OF CA GENERAL SERVICES, CHP- BETH BLAIR

**AGENT:** STATE OF CA DEPT. OF TECHNOLOGY/PUBLIC SAFETY- MARK MACRAE

**REQUEST:** Coastal Development Use Permit Modification to add two (2) antennas to an existing 140-foot lattice communication tower and placement of radio equipment within an existing equipment cabinet located near the tower base.

**LOCATION:** Within the Coastal Zone, 3± miles southeast of Point Arena on the west side of Ten Mile Road (CR# 506), 1± mile south of its intersection with Eureka Hill Road (CR# 505), located at 25470 Ten Mile Road; APN# 027-306-13.

**PROJECT COORDINATOR:** DUSTY DULEY

**ENVIRONMENTAL DETERMINATION:** The request has been processed through the County Environmental Review Process and it has been determined that the project is Categorically Exempt from environmental review. The staff report and notice are available for public review at 501 Low Gap Road, Room 1440, Ukiah, California and on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, 95482, no later than August 17, 2011. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. 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 within 10 calendar days of the Planning Commission's decision. 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 appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 463-4281, 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.

IGNACIO GONZALEZ, Director of Planning and Building Services

**OWNER:** BERIT CATTOLICO, TRUSTEE  
5493 BLOSSOM WOOD DRIVE  
SAN JOSE, CA 95124

**APPLICANT:** STATE OF CALIFORNIA DEPT. OF GENERAL SERVICES for  
THE CALIFORNIA HIGHWAY PATROL  
ATTN: BETH BLAIR  
707 3<sup>rd</sup> STREET, 5<sup>th</sup> FLOOR  
WEST SACRAMENTO, CA 95691

**AGENT:** STATE OF CALIFORNIA DEPT. OF TECHNOLOGY/PUBLIC  
SAFETY COM. OFFICE  
ATTN: MARK MACRAE  
601 SEQUOIA PACIFIC BLVD.  
SACRAMENTO, CA 95811

**REQUEST:** Coastal Development Use Permit Modification to add two (2)  
antennas to an existing 140-foot tall communication tower and  
placement of radio equipment within an existing equipment cabinet  
located near the tower base.

**LOCATION:** Within the Coastal Zone, approximately 3 miles southeast of the  
City of Point Arena, with access off of the west side of Ten Mile  
Road (CR# 506), 1+- mile south of its intersection with Eureka Hill  
Road (CR# 505), located at 25470 Ten Mile Road; AP# 027-306-13.

**TOTAL ACREAGE:** 10,500 square foot leased area within a 76.84± acre host parcel.

**GENERAL PLAN:** Remote Residential- 20 acre minimum (RMR 20)

**ZONING:** Remote Residential- 20 acre minimum (RMR 20)

**ADJACENT ZONING:** North: Timber Production- 160 acre minimum (TP 160)  
East: Remote Residential- 20 acre minimum (RMR 20)  
South: Remote Residential- 20 acre minimum (RMR 20)  
West: Rural Residential- 10 acre minimum (RR 10)

**EXISTING USES:** Telecommunications Facility and Residential

**SURROUNDING LAND USES:** North, South and East: Timberland  
West: Residential

**SURROUNDING LOT SIZES:** North: 77.05± Acres  
East: 79.10± Acres  
South: 20.00± Acres  
West: 9.47± Acres

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:** Use Permit #U 46-87, approved by the Planning Commission on December 17, 1987, allowed Wander Telecommunications to construct a 100-foot tall microwave communication tower to provide cable television service to the communities of Elk, Irish Beach, Manchester, and Point Arena. Use Permit #U 45-90, approved by the Planning Commission on February 21, 1991, allowed MCI Telecommunications Corporation to erect a 140-foot tall tower, located approximately 300 feet south from Wander Telecommunication's aforementioned tower, to be used as a point to point microwave repeater to connect a Trans-Pacific fiber optic cable to the MCI network in Sacramento. Staff notes that the existing 140-foot tall tower, along with the two antenna poles and tower operated by Wander Telecommunications, were approved prior to the County's adoption of the Wireless Guidelines.

As the 140-foot tower was approved prior to the Wireless Guidelines, Edge Wireless had to obtain Coastal Development Use Permit #CDU 21-2005, approved July 20, 2006, to allow for the addition of twelve panel antennas to the 140-foot tall tower.

On September 4, 2008 the County of Mendocino, as part of updating the County emergency network system, received permission to add a microwave dish at the 115 foot level of the tower and ground equipment to the facility through Coastal Development Use Permit Modification #CDUM 21-2005/2008.

Coastal Development Use Permit Modification #CDUM 21-2005/2009 was approved by the Planning Commission allowing T-Mobile to add three (3) panel antennas to the existing 140-foot tall communication tower.

**PROJECT DESCRIPTION:** The California Highway Patrol (CHP) is requesting a modification of Coastal Development Use Permit #CDU 21-2005 to allow for the addition of two antennas to the existing tower. The tower is 140 feet tall and is located within a larger land ownership of approximately 76.84 acres. AT&T Mobility, T-Mobile and the County currently utilize the 140 foot tall tower for their various antennas. CHP is proposing to mount one antenna at each the 109 foot level and 50 foot level on the tower. CHP radio equipment will be located within an existing equipment cabinet at the tower base.

This project is appealable to the California Coastal Commission per Coastal Act Section 30603(a)(4).

**ENVIRONMENTAL REVIEW:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA), Class 1b, Section 15301(b). However, in assessing impacts, the following areas of concern are noted.

Air (Items 2A through 2C): The facility will be unmanned with one additional service vehicle visiting the site for regular maintenance approximately twice a month. Besides the minor increase in vehicular trips to the site, the project will not produce air emissions or odors that will impact air quality.

Plant and Animal Life (Items 4A through 5D): The site has been previously developed and is within an enclosed, fenced area. No new facilities, increase in tower height or guy wires are proposed that might be hazardous to birds. The California Natural Diversity Database did not indicate any sensitive plant or animal species to be located on the subject property nor does staff anticipate that there will be a significant impact on any plants or wildlife. The project is Categorically Exempt from CEQA, therefore, exempt from the Department of Fish and Game Section 711.4 wildlife habitat loss mitigation fee.

Noise (Items 6A and 6B): The only noise to be generated by the project will result from construction activity and vehicles. Once construction is completed, there will be little noise generated by the facility. There is an existing emergency backup generator on-site that is used during periods of power outages and for short periods of time when conducting routine testing. Condition Number 5 of the previously approved Coastal Development Use Permit (CDU 21-2005) entitlement requires AT&T Mobility to add mufflers and spark arresters to the generator and to comply with the County Exterior Noise Limit Standard of 50 decibels as measured from the nearest off-site residence. The County also received permission to place a 25 kilo-watt generator at this site subject to the same noise mitigation conditions. No further mitigation required.

Light and Glare (Item 7A): The application states that no exterior lighting is proposed. The guidelines adopted by the Planning Commission for the development of wireless communication facilities call for outdoor lighting to be kept to a minimum. In the event that exterior lighting is installed in the future, Condition Number 1 is recommended to require that any future lights be shielded to prevent the light source from being visible from off the property.

Land Use (Item 8A): The land use classification for the project site is Remote Residential (RMR). Within the RMR classification, public facilities and utilities are a conditional use, subject to the approval of a major use permit. The surrounding land is used for timber production and residential purposes.

The Wireless Communication Guidelines list residential areas as the “least preferred” sites for wireless facilities. The site is in a fairly remote area, with the nearest resident, aside from the property owner, being located approximately 1/3 of a mile west of the project site. The issue of potential conflict with residential land use compatibility is not significant.

Transportation/Circulation (Items 12A through 12F): Access to the site is provided from the property owner’s private dirt road extending southerly off the main private dirt road approximately ¼ mile west of its intersection with Ten Mile Road (CR# 506). This main private road also serves several neighboring properties. The project will generate a minor amount of additional traffic during the addition of equipment to the existing facility. After the construction is complete, traffic to the site will consist of occasional visits by maintenance personnel to service the facilities. No significant changes in traffic will result from the project.

As both the applicant and several neighboring property owners utilize the same ¼ mile stretch of the aforementioned private dirt road, staff recommends Conditions Number 2 requiring the applicant to document the current road condition prior to installation of any equipment and to repair the road after the installation of the new antennas. The County Department of Transportation (DOT) provided a “no comment” response to staff’s referral and is recommending project approval.

Public Services (Item 13A): The project will have no direct impact on public facilities. The project is within a State responsibility area, however as this is a modification of an existing facility, the project is exempt from the California Department of Forestry (Cal Fire) preliminary clearance requirements.

Human Health (Items 16A through 16D): The Federal Communications Commission (FCC) has set maximum permissible exposure limits for radio frequency transmitters, and the Telecommunications Act of 1996 prohibits local governments from regulating wireless service facilities based on environmental effects of radio frequency emissions as long as the facilities comply with FCC regulations for emissions.

CHP Support Unit staff evaluated the proposed telecommunication facility for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. Their report summary states:

*Special Products Unit has completed the calculations for the RF exposure (MPE) and the table is attached. What this indicates is that we are way below the FCC limits with this Low Band installation.*

The site is located in a fairly remote area within a larger land ownership. The wireless telecommunication facility is within a compound that is surrounded by a locked chain-linked fence. The antennas are not in a location likely to be accessed by anyone other than maintenance personnel. Again, the nearest neighboring off-site residence is located approximately 1/3 of a mile west of the site.

Aesthetics (Item 17A): The existing 140-foot tall tower was approved prior to the County’s adoption of the Wireless Guidelines. The project is located in an area characterized by steep hills, brush and forest land. Approximately 40% of the 140-foot tall tower is screened on all sides by trees. Upon a previous site visit, staff determined that the tower is visible from State Highway 1, a designated scenic highway, as well as from the town of Point Arena, however it is a distant view from any public location and could be considered non-obtrusive to the casual glance.

If staff were to receive an application to erect a 140-foot tower at this location today, with the Wireless Guidelines in place, staff would seriously question the project based on the towers location on a ridge top and visibility from the town of Point Arena and State Highway 1. As the tower is already approved and in place, staff does not believe that the proposed addition of two antennas and ground based equipment will significantly increase the visual impact of the tower.

Although staff anticipates that increased negative visual impacts will be minimal as a result of the project, Conditions Number 3 is recommended, which would require the long-term maintenance of existing trees used to screen the project.

Should the application be approved, and in the event that use of all or portions of the facility should cease, it is recommended that Conditions Number 4 and 5 be imposed to ensure that all disused portions of the facility above ground level be removed from the site. Conditions Numbers 6 will help to further mitigate adverse visual impacts by requiring exterior surfaces of antennas have subdued colors and non-reflective materials selected to blend with their surroundings.

Cultural Resources (Item 19): The project is entirely within the developed area associated with the existing structures including the tower. Conditions Number 7 is recommended to achieve compliance with the County's archaeological ordinance and ensure protection of any archaeological resources that may be discovered on the site.

**COMPLIANCE WITH WIRELESS COMMUNICATIONS GUIDELINES:** The applicant has submitted information addressing each of the items in the Wireless Communication Guidelines adopted by the Planning Commission. Staff does not believe that the proposed project will significantly increase the visibility impact of the existing facility (See "Aesthetics" section), and that, in this case, the addition of antennas and an equipment shelter at the site is preferable to the construction of a new facility elsewhere. Conditions Numbers 8 through 11 are recommended to achieve compliance with requirements of the Wireless Communication Guidelines.

**ENVIRONMENTAL RECOMMENDATION:** The project is Categorically Exempt from CEQA, Class 1b.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**STAFF RECOMMENDATION:** Staff recommends approval of #CDUM 21-2005/2011 based on the following findings and conditions.

**RECOMMENDED MOTION:**

**Environmental Findings:** The Planning Commission finds that the project is Categorically Exempt from CEQA, class 1b.

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

**Project Findings:** The Planning Commission approves #CDUM 21-2005/2011 with the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
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, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

3. That such use preserves the integrity of the zoning district.
4. The proposed development is in conformity with the certified local coastal program.
5. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.
6. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.
7. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
8. The proposed development will not have any adverse impacts on any known archaeological or pale ontological resource.
9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

**RECOMMENDED CONDITIONS:**

1. 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
2. Prior to development of the site the applicant shall provide to the Department of Planning and Building Services, an assessment prepared by a registered civil engineer of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment may include photos or video but shall include a written narrative to document the road's current status. Promptly after the installation of the new antennas and/or support facilities, the applicant shall repair the existing private access road, from the public road to the beginning of the private driveway serving the subject parcel, to a minimum level of that which exists today.
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. If use of any portion of the proposed facility subject to this permit is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site.
5. 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 applicant's equipment in the event that the applicant abandons operations or fails to comply with requirements to remove all their equipment. The expiration date of the bond can not be less than ten (10) years from the date of its execution and shall be concurrent with the facility's existence.
6. Exterior surfaces of antennas shall have subdued colors and non-reflective materials selected to blend with their surroundings.

7. 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.
8. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site. If requested, public agencies shall be permitted to co-locate their facilities.
9. 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 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.
10. The antennas 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.
11. 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.
12. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.
13. The applicant shall contact the Division of Environmental Health as to the need to complete a Hazardous Materials Business Management Plan.
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 the Planning Commission has approved a modification.
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. This permit is issued for a period of ten years, and shall expire on August 20, 2019. 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. Previous Use Permit entitlements #CDU 21-2005, #CDUM 21-2005/2008, and #CDUM 21-2005/2009 expiration dates shall be extended to August 18, 2021.
- 20. 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.

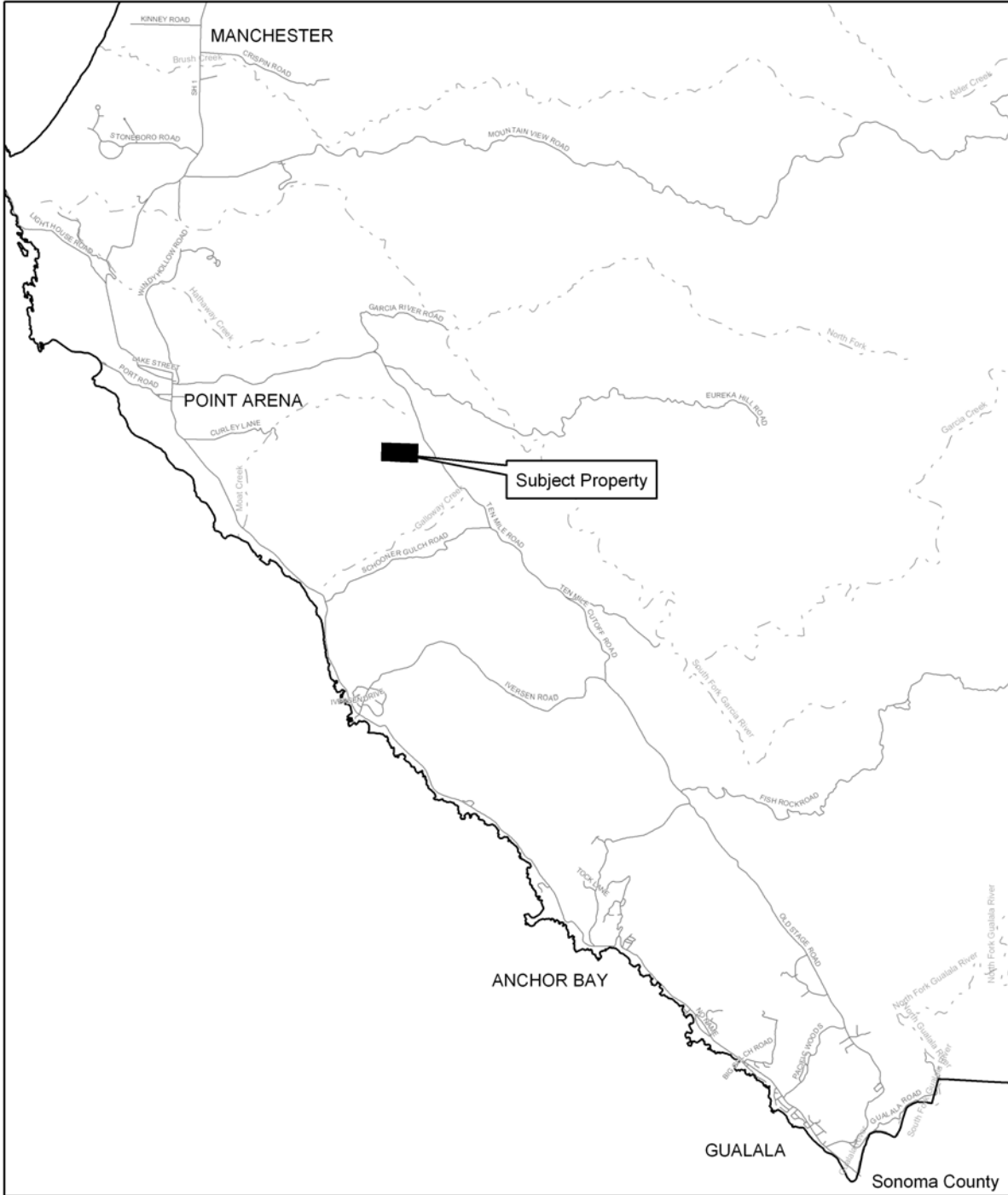
\_\_\_\_\_  
DATE

\_\_\_\_\_  
DUSTY DULEY  
PLANNER II

DD/at  
August 1, 2011

Categorically Exempt  
Appeal Fee - \$1855.00  
Appeal Period - 10 days

| REFERRAL AGENCIES                  | REFERRAL NOT RETURNED | REFERRAL RECEIVED "NO COMMENT" | COMMENTS RECEIVED |
|------------------------------------|-----------------------|--------------------------------|-------------------|
| Air Quality Mgt. District          |                       | X                              |                   |
| City of Point Arena                | X                     |                                |                   |
| Planning (FB)                      |                       | X                              |                   |
| Department of Transportation       |                       | X                              |                   |
| Environmental Health (Ukiah)       |                       | X                              |                   |
| Building Inspection (FB)           |                       | X                              |                   |
| Assessor                           | X                     |                                |                   |
| Caltrans - Division of Aeronautics | X                     |                                |                   |
| California Department of Forestry  |                       | X                              |                   |
| Department of Fish and Game        | X                     |                                |                   |
| Coastal Commission                 | X                     |                                |                   |
| Public Utilities Commission        | X                     |                                |                   |
| Federal Communications Commission  | X                     |                                |                   |
| Federal Aviation Administration    | X                     |                                |                   |
| Redwood Coast Fire District        | X                     |                                |                   |

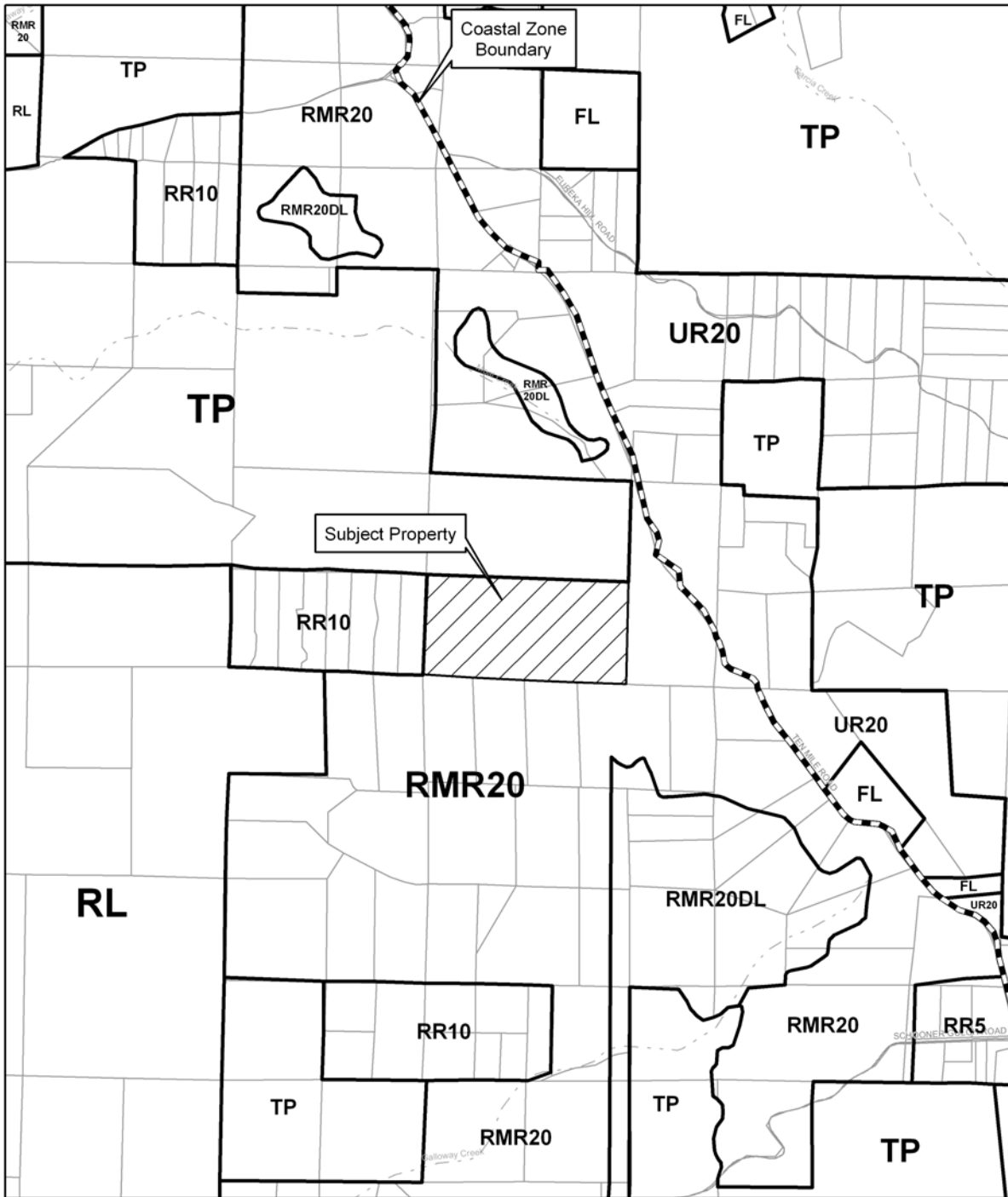


OWNER: CATTOLICO, Berit & BOYSEN, Peter  
 APPLICANT: STATE OF CALIFORNIA CHP  
 AGENT: MACRAE, Mark  
 CASE: CDUM 21-2005 / 2011  
 APNs: 027-306-13

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off.



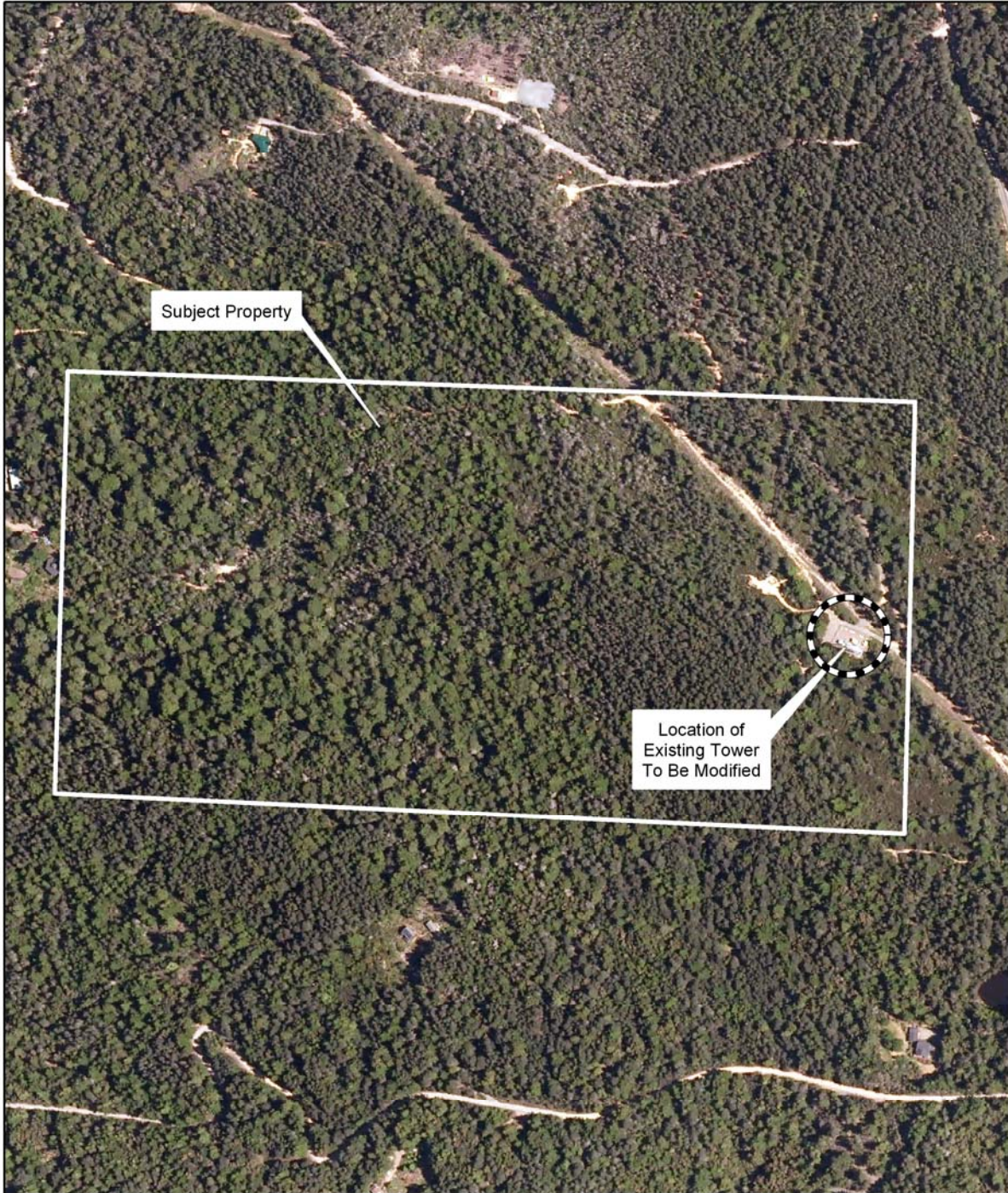


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ZONING DISPLAY MAP

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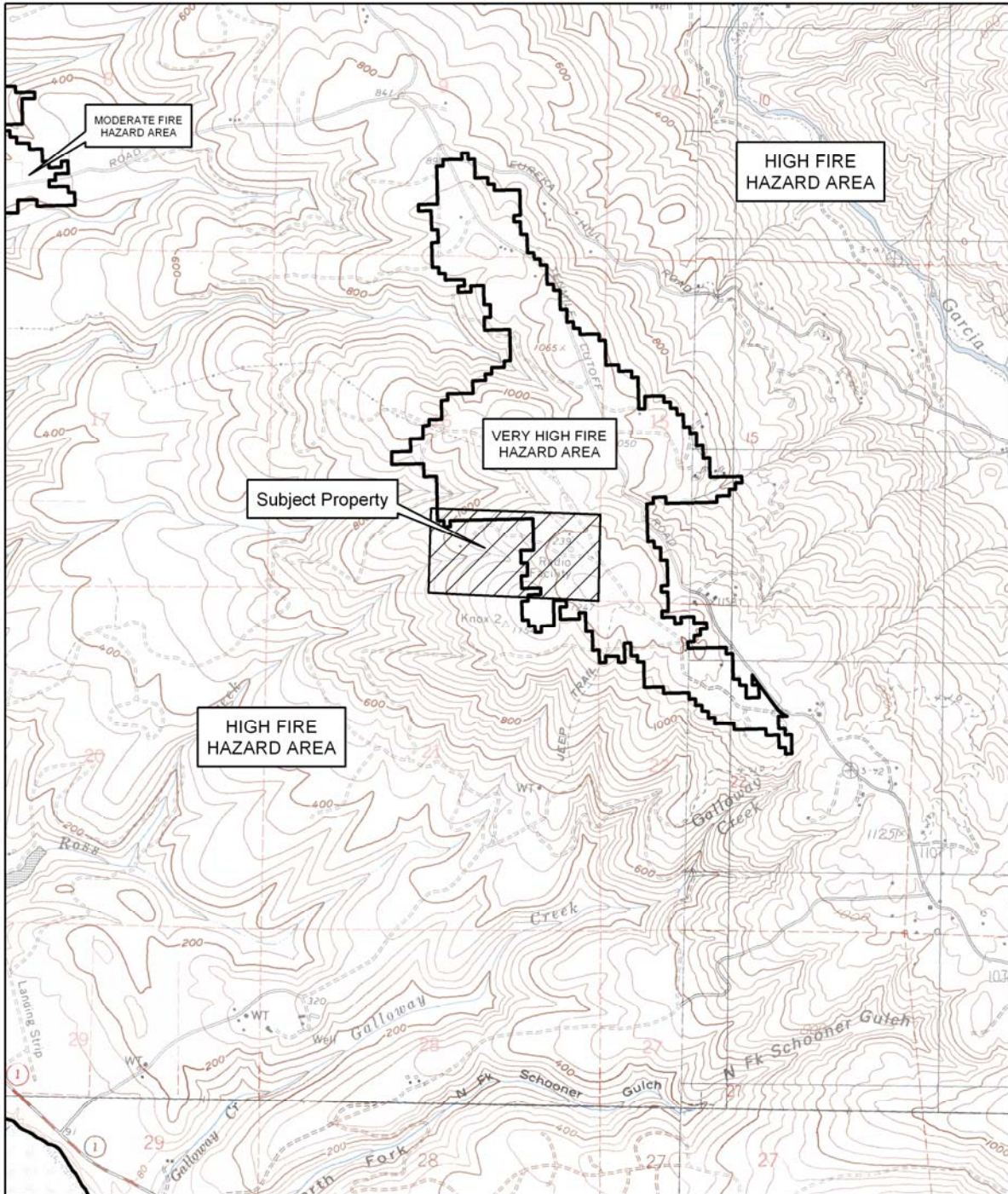


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ORTHOPHOTO - June 2010

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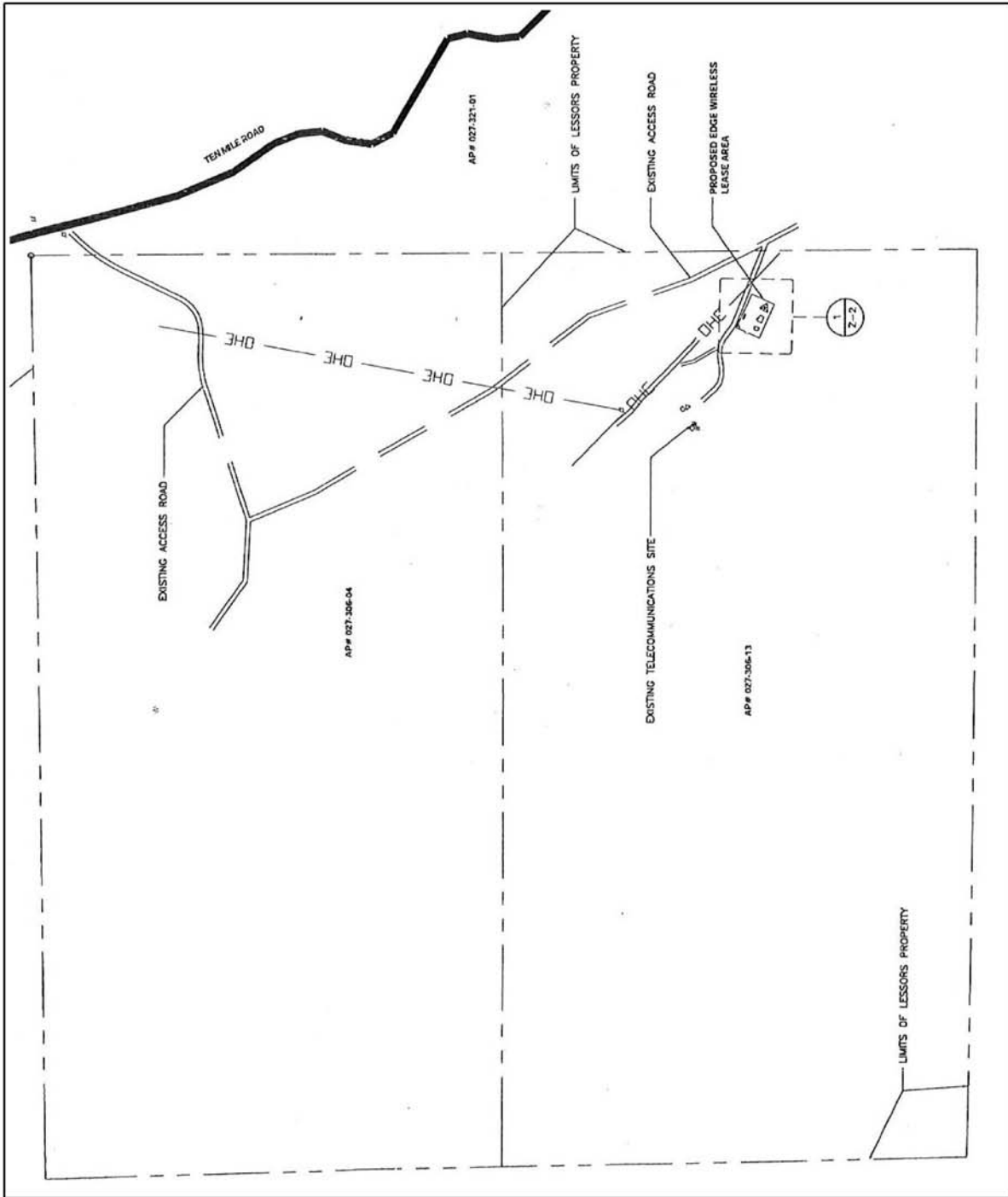


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**FIRE HAZARD SEVERITY ZONES**  
REDWOOD COAST FIRE PROTECTION DISTRICT

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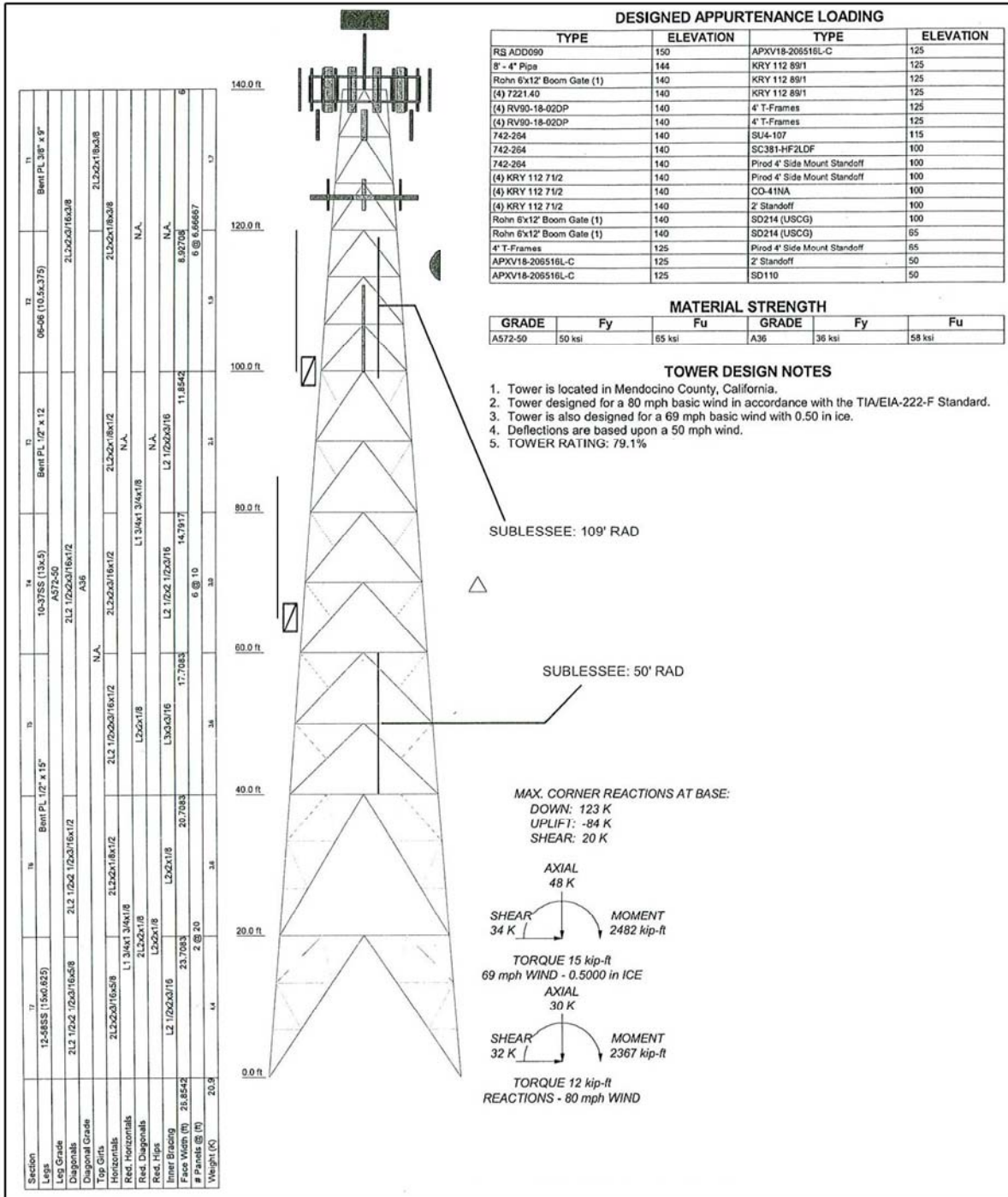




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PARCEL MAP  
SITE PLAN

Not To Scale 



OWNER: CATTOLICO, Berit & BOYSEN, Peter  
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**TOWER DESIGN**

Not To Scale