

OWNER: JIM & GLORIA MCCUTCHAN
PO BOX 538
CLOVERDALE, CA 95425

APPLICANT: VERIZON WIRELESS
2785 MITCHELL DRIVE
WALNUT CREEK, CA 94598

AGENT: ON AIR, LLC
ATTN: AARON DELAO
5232 ARBARDEE DRIVE
FAIR OAKS, CA 95628

REQUEST: Use Permit Modification to allow for the addition of 9 panel antennas and 1 microwave dish to an existing 90-foot tall monopole and placement of a 210 gallon fuel storage tank and a 48-kilowatt diesel generator to provide back-up power to the facility should line power be interrupted.

LOCATION: 8± miles southeast of Hopland and 1± mile north of the Sonoma County Line, lying on the south side of McCutchan Ranch Road (private), 1± mile east of its intersection with Geysers Road (private), located at 24601 Geysers Road; APN 050-410-06.

TOTAL ACREAGE: 2,500 square foot leased area within a 412± acres "host" parcel

GENERAL PLAN: Rangeland 160 acres minimum (RL 160)

ZONING: Rangeland 160 acres minimum (RL 160)

EXISTING USES: Telecommunication Facility + Agricultural Preserve (vineyard)

ADJACENT ZONING: Rangeland 160 acres minimum (RL 160)

SURROUNDING LAND USES: North: Agricultural Preserve
East: Agricultural Preserve + Vineyard
South: Agricultural Preserve + Rock Quarry
West: Agricultural Preserve

SURROUNDING LOT SIZES: North: 0.2 – 51± Acres
East: 33 – 77± Acres
South: 424± Acres
West: 0.2 – 18.07± Acres

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:

Use Permit #U 24-78 was approved by the Planning Commission in May 1978 allowing Occidental Geothermal, Inc. to drill a 1,000 foot temperature probe hole on the McCutchan property. The permit expired in May 1979.

Certificate of Compliance #CC 13-95, was completed in July 2001, resulting in certification of nine parcels including the subject parcel.

Use Permit #U 10-95 to permit a rock quarry and the extraction of 75,000 cubic yards of material per year was approved by the Planning Commission in January 1996 on an adjacent McCutchan owned parcel.

Use Permit #U 19-2002, permitting Edge Wireless, since obtained by AT&T Mobility, to construct a telecommunication facility consisting of a 90 foot tall monopole, 9 panel antennas, 2 microwave dishes and a 8.5 foot by 14 foot equipment shelter, was approved by the Planning Commission at the January 16, 2003 meeting.

Use Permit Modification #UM 19-2002/2007 granted Metro PCS permission to add 3 panel antennas and a microwave dish to the existing 90 foot tall monopole on February 7, 2008.

Use Permit Modification #UM 19-2002/2009 was approved by the Planning Commission at the August 20, 2009, allowing T-Mobile to add 3 panel antennas and 2 microwave dishes to the 90 foot monopole.

BACKGROUND: AT&T Mobility currently operates 9 panel antennas mounted at the monopole's apex and a microwave dish at the 80 foot level. Metro PCS has 3 panel antennas mounted 83 feet up the monopole and according to submitted elevations plan has a microwave dish next to AT&T's dish at the 80 foot level. Staff notes that Metro PCS received permission to mount their dish at the 60 foot level. T-Mobile has placed their three antennas and two microwave dishes around the 70 foot level of the monopole.

PROJECT DESCRIPTION: Verizon Wireless, a wireless communication carrier, is requesting a modification of Use Permit #U 19-2002 to allow for the addition of 9 panel antennas and 1 microwave dish to the existing monopole. Verizon would be the 4th wireless carrier to locate equipment at this site. The monopole is 90 feet tall and located on a small knoll approximately one mile east of and 1,200 feet in elevation above State Highway 101. Associated ground equipment to be located at the monopole base includes a new 48kw diesel generator, 210 gallon diesel fuel storage tank, a 192 square foot equipment shelter, and a new battery backup power system.

Access to the site is provided by an unpaved private road extending northeasterly from its intersection with Geysers Road (formerly Highway 101) for an approximate driving distance of 2.8 miles. Land uses include the telecommunications facility and an established vineyard. The owners operate a rock quarry on their adjacent property, approximately 2,000 feet southeast of the project site.

The wireless communication facility will remain an unmanned facility that will operate 24 hours a day, 7 days a week. The site is secured with a 6 foot high chain link fence around the perimeter.

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.

Earth (Item 1): The application states that no grading is proposed although staff anticipates minimal grading will be necessary to construct the concrete pads for the equipment shelter and trenching to provide electrical services. According to the project agent, no grading, including trenching will take place outside the fenced lease area. All grading and erosion control activities are subject to Best Management Practices Condition numbers 1 and 2 require that measures be taken to prevent erosion and any trenches be resurfaced.

Air (Item 2): As the facility will be unmanned and only serviced bi-monthly, the project is not expected to produce significant amounts of air emissions or odors. The Mendocino County Air Quality Management District (AQMD) is requiring the applicant to register the diesel generator with the district. See condition number 3.

Plant and Animal Life (Items 4 and 5): 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 (Item 6): The applicant is proposing to install a 48-kilowatt generator, to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. Other than the generator the only anticipated noise to be generated by the project will result from construction activity and vehicles. Staff offers condition number 4 to ensure that the generator does not exceed the County Exterior Noise Limit Standard of 50 dBA as measured from the closest neighboring receiver.

Light and Glare (Item 7): 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 5 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 8): The General Plan land use classification and zoning applicable to the project site is Rangeland. Within the Rangeland zone, *Major Impact Services and Utilities* are a conditional use, subject to approval of a major use permit. Upon approval of this application with the recommended conditions, the project will be consistent with county land use policies and the County General Plan.

The subject property and all adjacent properties are within an Agricultural Preserve under the Williamson Act. The County Agricultural Commissioner did not provide a response to staff's referral. The addition to the wireless facility does not conflict with the planned use of the area or the contract itself as the property is part of a much larger ownership. Staff determined that the issue of potential conflict with agricultural land use compatibility does not rise to a level of significance.

Transportation/Circulation (Item 12): Access to the site is by way of approximately 2.8 miles of an unpaved private road extending northeasterly from Geysers Road. The project will generate a minor amount of additional traffic during construction of the facility. After construction is complete, traffic to the site will consist of visits by maintenance personnel once or twice per month to service the facility. The project agent stated that no more than 2 trips per year for refueling are expected. Additional trips may become necessary to refuel the generator should line power be interrupted for a prolonged period. No significant changes in traffic will result from the project. The County Department of Transportation had provided a "no comment" response to staff's referral.

Responsibility for maintenance of private roads used by wireless communications providers, and also used by landowners not involved with the wireless facility has been a contentious issue in past telecommunication facility cases. With the current application, the road and the telecommunications site are both on McCutchan's land, but there are approximately six other landowners who use the road for access to their lands. The aforementioned rock quarry utilizes a separate driveway off Geysers Road for access. Staff supports condition number 6 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 and support facilities.

Public Services (Item 13 – Fire Protection): 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. Cal Fire provided a "no comment" response to staff's referral. Staff did not receive comments from the local Sanel Valley Fire District. No mitigation required.

Human Health (Item 16): 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. Verizon Wireless has retained the services of Hammett & Edison, Inc Consulting Engineers to evaluate the proposed telecommunication facility for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. Their report summary states:

The maximum calculated cumulative level at ground for the simultaneous operation of all four carriers, is 3.1% of the public exposure limit. The maximum calculated cumulative level at any nearby building would be 0.016% of the public limit.*

** Located at least 2,000 feet away, based on aerial photographs from Google Maps.*

The wireless communications facility is within a compound that is surrounded by a locked chain linked fence. Appropriate signage will be posted disclosing that the facility is not to be accessed by anyone other than maintenance personnel.

Aesthetics (Item 17): The project site is about one mile east of, and 1,200 feet higher than, Highway 101. The facility is located on a small knoll on the brink of a long steep slope down to the highway and the Russian River. Trees in the vicinity of the site provide some screening of the pole from the highway, but the top of the pole and antennas are visible from some public locations. As the facility is only visible from a distance and Verizon Wireless is proposing to locate antennas at a lower level on the monopole than existing carriers' antennas, staff does not anticipate that the additional antennas will significantly increase the facility's visual impact to the surrounding community.

Although the project site is on a 412± acre parcel, which is bordered on the north, east and south by additional parcels under the same ownership, there are several residences in the vicinity from which the additional antennas may be visible. There are a number of small parcels within the McCutchan ownership that remain from an old subdivision map, and there appear to be two or three residences on the east side of the river, which may have a view of the antennas. Many of the other homes are located in remote areas of Sonoma County and thus staff does not have records for them. Staff did not receive concerns regarding visual impacts during the placement of the original facility or subsequent modifications, however a residence south of the rock quarry did express unease over the visual impact of the quarry at the January 1996 Planning Commission meeting.

Condition numbers 7 and 8 are recommended to mitigate visual impacts by painting the antennas and all hardware with non-reflective colors and to protect/preserve existing vegetation.

In the event that use of the facility should cease, it is recommended that condition numbers 9 and 10 be imposed, requiring that all portions of the facility above ground level subject to this Use Permit be removed from the site.

Cultural Resources (Item 19): The project is entirely within the developed area associated with the existing structures including the monopole. Condition number 11 is recommended, however, 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 all information as required by the Wireless Communications Guidelines adopted by the Planning Commission. A review of applicable policy standards follows:

According to the Wireless Communication Guidelines:

Communications facilities that can co-locate with an existing facility will generally have highest preference, followed by facilities located on existing structures or buildings, then followed by facilities that can be designed or located so as to be visually unobtrusive ("stealthed").

The applicant is proposing to co-locate on an existing wireless communication facility.

According to the Wireless Communications Guidelines:

New communications facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations.

The subject 90-foot tall monopole was approved prior to the County's adoption of the Wireless Guidelines. Staff does not believe that the proposed project will significantly increase the visual impact of the existing facility (See "Aesthetics" section), and that, in this case, the addition of 9 panel antennas and a microwave dish at the site is preferable to the construction of a new facility elsewhere.

Condition numbers 12 through 15 are recommended to achieve compliance with the Wireless Communications Guidelines.

ENVIRONMENTAL RECOMMENDATION: The project is Categorically Exempt from the California Environmental Quality Act (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 UM# 19-2002/2010 based on the following findings and conditions.

RECOMMENDED MOTION:

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 as subject to the conditions being recommended by staff.

Environmental Findings: The project is Categorically Exempt from CEQA, Class 1b.

Project Findings: The Planning Commission approves #UM 19-2002/2010 subject to 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.

RECOMMENDED CONDITIONS OF APPROVAL:

1. 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. 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.

- d. 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.
- e. 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 m³) on any one lot and does not obstruct a drainage.
2. As soon as practical following completion of any earth disturbance, including trenching, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site.
3. Prior to the development phase of the project, the applicant shall register the proposed generator with the Mendocino County Air Quality Management District.
4. Generators shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBa at the nearest off site residence. If necessary, generators shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation.
5. 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.
6. 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 shared 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 shared portion of the private access road to a minimum level of that which exists today. Failure to complete road improvements shall be considered grounds for revoking the permit.
7. Exterior surfaces of antennas shall have subdued colors and non-reflective materials selected to blend with their surroundings.
8. Existing trees and other vegetation, which provide screening for the 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.
9. 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.

10. 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.
11. 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.
12. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the monopole, provided no interference to function will result at a minimum or no fee.
13. 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.
14. 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.
15. Prior to commencement of operations, all surplus construction materials and debris shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
16. The applicant shall contact the County Division of Environmental Health and complete a Hazardous Materials Management Plan.
17. 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.
18. 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.
19. 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.
20. 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.

- 21. 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.
- 22. This permit is issued for a period of ten years, and shall expire on February 17, 2021. 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 #U 19-2002, #UM 19-2002/2007 and #UM 19-2002/2009 expiration dates shall be modified to February 17, 2021 as well.
- 23. 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

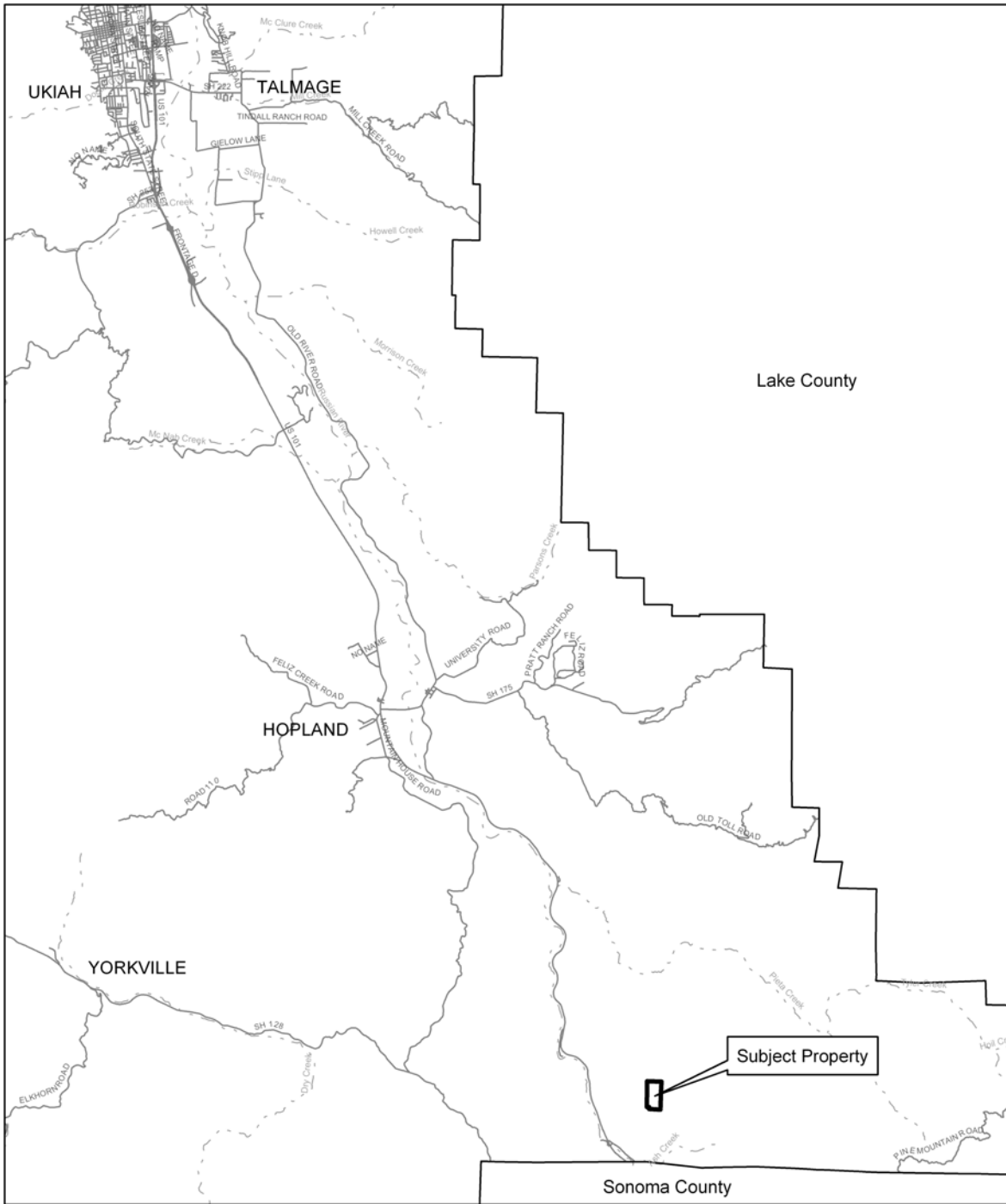
DUSTY DULEY
PLANNER II

DD/at
January 27, 2010

Categorically Exempt
Appeal Fee: \$910.00
Appeal Period: 10 Days

SUMMARY OF COMMENTS:

Department of Transportation	No comment
Environmental Health – Ukiah	Will need Hazardous Materials Business Plan
Building Inspection – Ukiah	“No open permits at this time”
Emergency Services	No response
Assessor	No comment
Agricultural Commissioner	No response
Air Quality Management District	“Diesel generator needs registration (not permit) from District”
Caltrans – Division of Aeronautics	No response
Calfire	No comment
Federal Aviation Administration	No response
Federal Communications Commission	No response
Public Utilities Commission	No response
Sanel Valley Fire District	No response

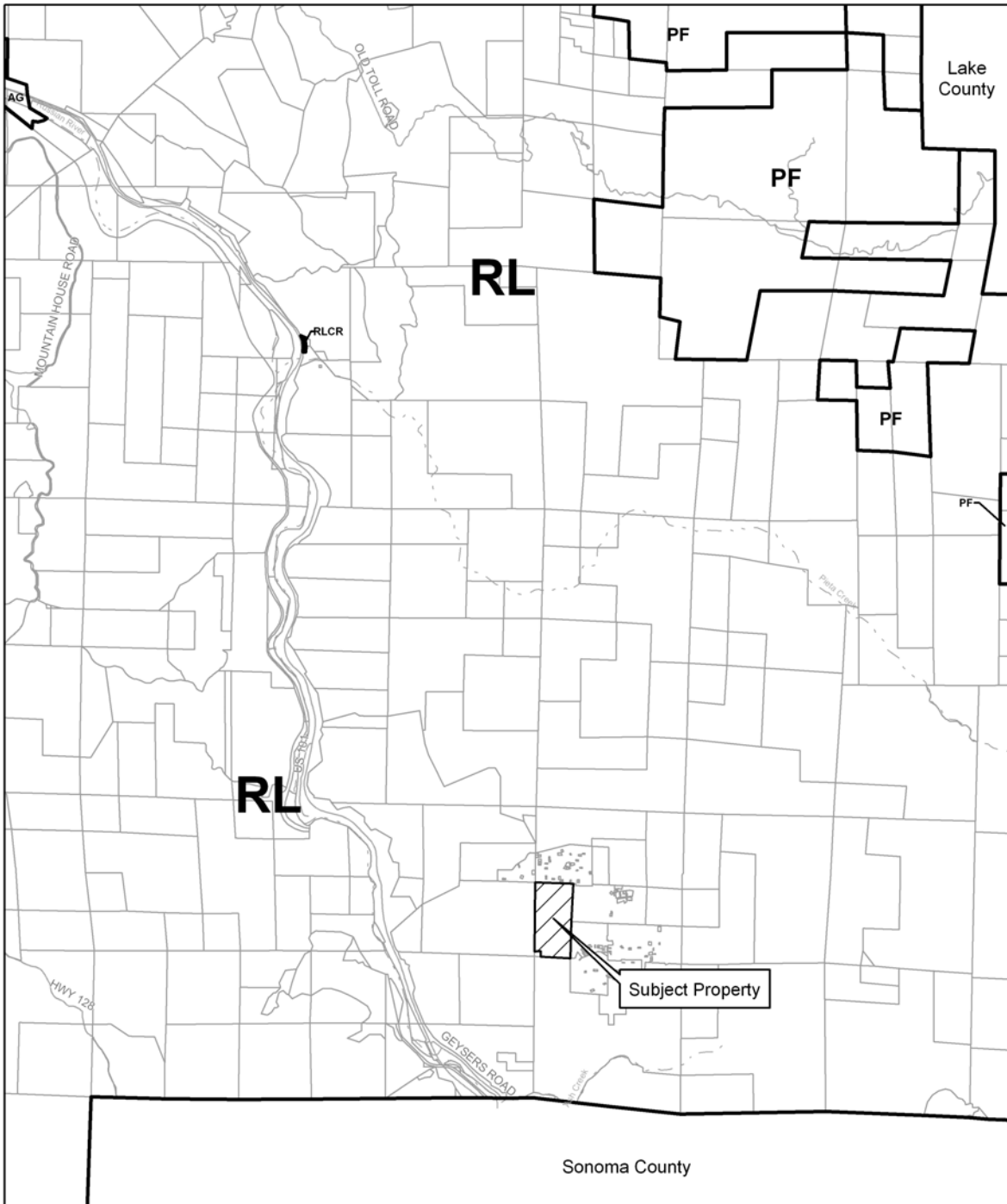


OWNER: McCUTCHAN, James & Gloria
 APPLICANT: VERIZON WIRELESS
 AGENT: DELAO, Aaron
 CASE: UM 19-2002 / 2010
 APNs: 050-410-06

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. (Parcel lines are as of October 2009)





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ZONING DISPLAY MAP

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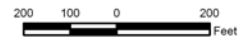


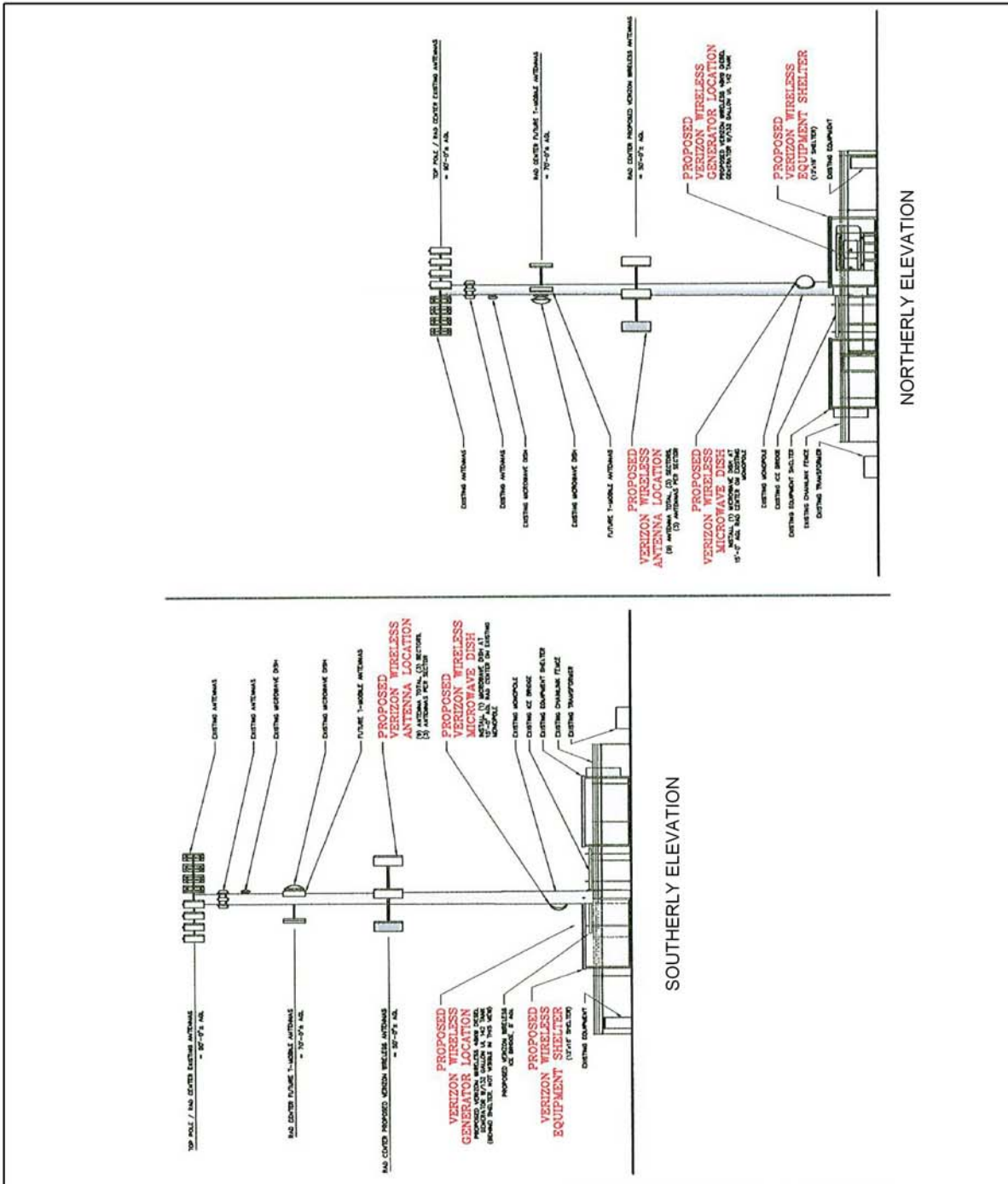


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ORTHOPHOTO - June 2009

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SOUTHERLY AND NORTHERLY ELEVATIONS

Not To Scale



February 2, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, February 17, 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#: UM 19-2002/2010

DATE FILED: 9/27/2010

OWNER: JIM & GLORIA MCCUTCHAN

APPLICANT: VERIZON WIRELESS

AGENT: AARON DELAO- ON AIR, LLC.

REQUEST: Use Permit Modification to allow for the addition of 9 panel antennas and 1 microwave dish to an existing 90-foot tall monopole and placement of a 210 gallon fuel storage tank and a 48-kilowatt diesel generator to provide back up power to the facility should line power be interrupted.

LOCATION: 8± miles southeast of Hopland and 1± mile north of the Sonoma County Line, lying on the south side of McCutchan Ranch Road (private), 1+/- mile east of its intersection with State Highway 101, located at 24601 Geysers Road; AP# 050-410-06.

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.

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 February 16, 2011. Oral comments may be presented to the Planning Commission during the public hearing.

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 of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, 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 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



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

DATE: February 1, 2011

TO: The Ukiah Daily Journal

FROM: Adrienne Thompson, Commission Services Supervisor

SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on February 6, 2011 in the Legal Notices Section of the Ukiah Daily Journal.

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