

RESOLUTION NO. 25-153

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS GRANTING THE APPEAL AND MODIFYING THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT U_2024-0004 FOR CELLCO PARTNERSHIP DBA VERIZON WIRELESS AT 28401 TIMBERLINE ROAD, WILLITS, APN 037-700-14

WHEREAS, the applicant, Cellco Partnership d/b/a Verizon Wireless, filed an application with the Mendocino County Department of Planning and Building Services to construct a 65 foot tall monopine design wireless communication tower and associated equipment, located at 28401 Timberline Road, Willits; APN 037-700-14 (the "property"); General Plan Remote Residential (RMR:20); Zoning Upland Residential (UR:20); Supervisorial District 3; (the "Project"); and

WHEREAS, an Initial Study and Negative Declaration was prepared for the Project and noticed and made available for agency and public review on May 1, 2025, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission opened a public hearing regarding the Project on June 5, 2025, continued said hearing to June 19, 2025, and closed the public hearing on June 19, 2025; and

WHEREAS, in accordance with applicable provisions of law, at its public hearing conducted on June 5 and June 19, 2025, the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

WHEREAS, on June 19, 2025, the Planning Commission adopted Resolution Number PC_2025-0007 adopting a Negative Declaration and approving the Project subject to the findings and conditions contained within the Resolution, including condition of approval #29, which states "Prior to the issuance of the building permit, existing code violations on the property will be remediated" ("Condition #29"); and

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, the applicant, filed an appeal on June 30, 2025 pursuant to Mendocino County Code sections 20.196.035 and 20.208.015; (the "Appeal"), challenging the addition of Condition #29; and

WHEREAS, the Board of Supervisors upon receipt of the timely appeal, did schedule a noticed public hearing to consider the Appeal; and

WHEREAS, said public hearing was duly held on September 9, 2025, pursuant to proper notice and all evidence was received and the same fully considered; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, based on the evidence in the record before it, hereby finds and determines as follows:

1. The Board of Supervisors hereby adopts the Negative Declaration and certifies that the Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review

process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.

2. While the Board of Supervisors desires the orderly remediation of code violations, Condition #29 is not necessary (a) to make the required findings for approval of a use permit pursuant to Mendocino County Code Section 20.196.020, and (b) for the County to pursue remediation of code violations on the property.
3. The Board of Supervisors reaffirms Finding Numbers 1 through 4 as made in Planning Commission Resolution Number PC_2025-0007.
4. The Board of Supervisors hereby grants the Appeal and approves the use permit for the Project, subject to the conditions of approval in Exhibit A, attached hereto and incorporated herein by this reference, which Exhibit has revised Condition #29 to read "Intentionally Omitted."

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents 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 Clerk of the Board, 501 Low Gap Road, Ukiah, CA 95482.

The foregoing Resolution introduced by Supervisor Norvell, seconded by Supervisor Williams, and carried this 9th day of September 2025, by the following vote:

AYES: Supervisors Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: Supervisor Cline

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy

EXHIBIT "A"

CONDITIONS OF APPROVAL

SEPTEMBER 9, 2025

U_2024-0004 - (Verizon Wireless)

Use Permit to construct a new sixty-five (65) foot cellular antenna tower with a monopine design. Twelve (12) panel antennas would be placed at the fifty (50) foot elevation. A new 1,600 square foot lease area surrounded by a six (6) foot-tall chain link fence with privacy slats and topped with barbed wire, will be constructed at the base of the monopine tower. This enclosed area will serve as an accessory equipment location. A 30 KW diesel generator with a 210-gallon diesel fuel belly tank for backup electrical power also will be installed.

APPROVED PROJECT DESCRIPTION: Use Permit to authorize construction and operation of a wireless communication facility consisting of a 65 ft. tall monopine tower with 12 antennas, various appurtenant equipment, ground equipment, generator, and equipment cabinet. Associated improvements include a new access route to the site. The proposed monopine tower will be located within a 1,600 sq. ft. fenced compound.

CONDITIONS OF APPROVAL:

Aesthetics

1. The total height of tower including antennas shall not exceed 65 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the permit holder shall confirm that the height is no greater than approved and shall submit a written certification to the County of the actual height.
2. 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.
3. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
4. Prior to issuance of a building permit, the permit holder shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the permit holder abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
5. Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
6. 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. No aircraft warning lighting shall be installed unless required by agencies with jurisdiction over such a determination.
7. Branches of the monopine designed cellular antenna shall extend beyond the antennas and fully conceal the supporting structure and antennas. The branches must:
 - a. Be constructed to a density of 2.5 branches for each vertical foot of pole; and

- b. Start attachment at no greater than twenty-five (25) feet above finished grade and continue to the top of the pole; and
 - c. Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
- 8. The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.
- 9. An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of materials. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.

Air Quality

- 10. Prior to the development phase of the project, the permit holder shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator or any of the other proposed construction activities.
- 11. All Construction activities shall comply with the Air Quality Management District Standards for projects located in areas of Naturally Occurring Asbestos.
- 12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

- 13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. **Said fee of \$3,018.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the action by the Planning Commission.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The permit holder has the sole responsibility to ensure timely compliance with this condition.**
- 14. Prior to any construction or demolition activities on the project site, a bat survey shall be conducted by a biologist that examines the existing barn slated for demolition. This survey shall be submitted to the Mendocino County Planning Department for review. If the survey determines that bat species are present, all suggested mitigation measures in the report shall be followed by the permit holder.

Cultural Resources

- 15. 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.

Grading

16. As soon as practical, following completion of any earth disturbance, vegetative ground cover, i.e., re-seeding, or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
17. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The permit holder 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 permit holder shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include but are not limited to seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
 - g. 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:
 - i. 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).
 - ii. 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.

Hazardous Materials:

18. Should fuel storage at the site exceed thresholds established for when preparation of a Hazardous Materials Management Plan is required, a Hazardous Materials Management Plan (HMMP) shall be submitted to the satisfaction of the Division of Environmental Health. Prior to the issuance of any building permits in reliance of this Use Permit, the permit holder shall furnish evidence from the Division of Environmental Health that either an HMMP is not required or that one has been submitted to the satisfaction of the Division of Environmental Health.

19. The permit holder shall comply with any requirements or recommendations of CAL FIRE and/or the Brooktrails Community Services District. Written verification shall be submitted from the office of both agencies to the Department of Planning and Building Services that this condition has been met to the satisfaction of each.

Noise

20. The Generator shall be equipped with mufflers and spark arresters and shall not produce noise levels exceeding 50 dBA at the nearest off-site residence. 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. If necessary, the generator 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.

Public Services

21. The permit holder shall be in compliance with required permits/approvals from all State, Federal and local agencies with jurisdiction over the project
22. The facility shall provide, if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Wireless Guidelines

23. 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, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the communications facility, and shall provide the name, address, and emergency telephone number of the responsible company. The address assigned to the site by the Planning and Building Services Department shall be posted.
24. Antennas and antenna towers 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. Costs of the inspection and report shall be borne by the permit holder.
25. 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.
26. By commencing work allowed by this permit, the permit holder agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
27. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower. The Wireless Communications Facility shall comply in all respects with FCC requirements, including any American National Standards Institute standards(ANSI) incorporated therein.
28. To ensure that no impacts occur to the existing private road (Timberline Road) that serves the proposed project, the following shall be required:
 - a. Prior to issuance of any building permit associated with the project, the applicant shall provide to the Department of Planning and Building Services an assessment of the condition of the existing private road (Timberline Road) from Sherwood Road (CR 311) to

the project site. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

- b. Prior to activation of the facility, any damage to the road associated with the construction activity shall be repaired to condition that is equal to or better than the existing road condition.
- c. Within two (2) weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assessment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

29. Intentionally Omitted.

Standard Conditions

- 30. The use hereby permitted shall substantially conform to the project description submitted by the permit holder and the site plan dated September 5, 2024. The Planning & Building Services Director may approve in writing minor modifications that do not result in increased environmental impacts.
- 31. 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.
- 32. 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.
- 33. Prior to any demolition work being performed as proposed by the permit holder, including an existing barn located immediately adjacent to the proposed tower site and appurtenant ground lease area, a demolition permit shall be obtained from the Mendocino County Building Department.
- 34. 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.
 - d. A final judgment of 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.
 - e. Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
- 35. Future modifications shall be considered cumulatively to determine if the request constitutes a "substantial change" to the facility under applicable federal law.
- 36. 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.

37. This permit is issued for a period of ten years and shall expire on **September 9, 2035**. The permit holder has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
38. 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. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.