

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number: 25-**

**Record Number: PLN-2025-19146**

**Assessor's Parcel Number: 403-081-013**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the TowerCo Conditional Use Permit.**

**WHEREAS**, TowerCo has submitted an application and evidence in support of approving a Conditional Use Permit for a new wireless communication facility; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

**WHEREAS**, the Planning Division as the Lead Agency has determined that the project qualifies for categorical exemptions found in Sections 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines; and

**WHEREAS**, Attachment 3 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-2025-19146); and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on May 15, 2025, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

## **FINDINGS FOR CONDITIONAL USE PERMIT**

**1. FINDING:**                   **PROJECT DESCRIPTION:** A Conditional Use Permit for the construction of a telecommunications and public utility facility, consisting of a 150-foot-tall monopole with new Verizon wireless antennas and antenna equipment, including various equipment cabinets housing various utilities and a 30kW diesel generator within a 45'x45' fenced lease area. No water or sewer service required. This will be an unmanned facility and engineered for three additional wireless carriers. The property is currently developed with a single-family residence and other accessory structures.

**EVIDENCE:**           a) Project File: PLN-2025-19146

**2. FINDING:**                   CEQA: The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed project is exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

**EVIDENCE:**           a) The Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

b) This project seeks to construct a 150-foot-tall wireless tower and related ground-based equipment compound within an approximately 2,500 square foot lease area.

c) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply, however, none of these exceptions apply to the proposed project.

## **GENERAL PLAN CONFORMANCE**

**3. FINDING:**                   §8.4 Housing Goals & Policies (HCGP)  
§2400 Housing (FWCP)

The proposed development is in conformance with all applicable Housing policies and standards in the Freshwater Community Plan and Humboldt County General Plan.

**EVIDENCE:** a) The conditional use permit is for a wireless telecommunications facility on a parcel with a Residential Agriculture (RA) land use designation. There is an existing residence on the property and the proposed project does not present any conflicts with the Housing Element.

**4. FINDING:** §2500 Rural Land Use (FWCP)  
The proposed development is in conformance applicable policies and standards in the Freshwater Community Plan concerning Rural Land Use.

**EVIDENCE:** a) The proposed project aligns with the rural land use goals and policies by providing an important piece of communication infrastructure within an already developed area of the County. This facility will add to the capacity of local homes, businesses, emergency responders etc., by ensuring effective communication options in existing populated areas, and concentrating growth in areas around existing development, thereby retaining more remote areas of the county for resource production uses.

**6. FINDING:** §4.8 Housing Goals & Policies (HCGP)  
§2725 Land Use Designations (FWCP)  
The proposed use is consistent with the land use designation applied to the property.

**EVIDENCE:** a) The Residential Agriculture (RA) designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. The proposed project does not impact the RA designation.

**7. FINDING:** §14.4 Safety Element Goals & Policies (HCGP)  
§3200 Hazards (MCCP)  
The proposed development is in conformance applicable policies and standards in the General Plan and Freshwater Community Plan concerning Public Safety & Hazards.

- EVIDENCE:**
- a) There are no mapped Fault Hazard Zones or areas of potential liquefaction on or adjacent to the property.
  - b) The closest mapped flood zone is located approximately ¼-mile east of the property, along Freshwater Creek, and roughly 400 feet below the elevation of the proposed tower facility.
  - c) The property is located in the State Responsibility Area for Fire Protection (SRA) and is also located within the boundaries of the Humboldt Bay Fire Protection District. A Condition of Approval has been included requiring that the applicant furnish a fire prevention plan to Cal-FIRE for review and approval.

**8. FINDING:** §13.5 Noise (HCGP)  
The proposed development is not in conformance with applicable policies and standards in the Humboldt County General Plan. However, an exception to the noise standard is appropriate given the distance from the tower facility to the closest receptor site as well as the conditions of approval applied to the project.

- EVIDENCE:**
- a) Per Section 13.5 N-S4, when a discretionary project has the potential to generate noise levels in excess of Plan standards, a noise study together with acceptable plans to assure compliance with the standards shall be required. An acoustical study was conducted by the applicant and modeled Community Noise Equivalent Level (CNEL) and Maximum Noise Level (Lmax) levels at property lines and receptor locations in the vicinity of the proposed tower facility. The routine operations of the tower facility would reach 60-66 decibels (dB), a threshold that is termed “normally unacceptable” for residential single-family locations, per the General Plan. However, as the acoustical study concludes, the installation of a wooden fence around the tower facility, addition of internal fencing around the equipment, as well as noise attenuation at distance would reduce the noise level to 47-51 dB at the closest residence, an acceptable range per the General Plan. All other nearby receptor sites (residences) would fall within the acceptable noise range.
  - b) The closest sensitive receptor site is the property owner’s residence, located roughly 110 feet away from the proposed location of the tower-related equipment. While the proposed fencing around the facility will serve as an attenuation device, additional interior fencing around the equipment will ensure dB levels remain within acceptable ranges. Further, the project has also been conditioned (Attachment 1A) such that installation of a

noise sensor shall be required if more than 1 noise complaint is received regarding routine operations of the tower facility. Following installation, noise monitoring data shall be collected and provided to the County upon request and further attenuation devices may be required and installed at the tower company's (or lessee's) expense.

**10. FINDING:**

§3100 Hazards and Resources (FWCP)

The proposed development is in conformance with applicable policies and standards in the Freshwater Community Plan regarding flood hazards and for the protection of natural resource values, including wildlife areas and habitats critical to the continued viability of certain species.

**EVIDENCE:**

- a) The proposed tower site is located close to a ridge-top and will not have any impacts to flood zones or be at risk of any flooding hazards.
- b) CDFW conducted a site visit and concluded that the minimal number of trees to be removed for tower construction and defensible space would not have a significant impact. CDFW also noted the presence of Northern Spotted Owls within the vicinity (roughly 1.1 miles away) and recommended conducting tree removal and other noise-generating construction activities outside of the NSO breeding season and migratory bird breeding season (February 1 through roughly mid-August). The routine operational noise from tower equipment was not expected to rise to the level of disturbance for NSO as it will quickly attenuate with distance to ambient level. Additionally, the lighting requirements, as conditioned, are acceptable to CDFW.
- c) According to the CNDDDB, there are no known sensitive or endangered species within the proposed project area. As noted, NSO are in the vicinity but construction activities and operational noise levels are conditioned to reduce potential impacts to nesting birds and other species.
- d) A Condition of Approval has been included limiting construction activities of the tower and facility and requiring that a survey for nesting birds be performed if any future construction activities are proposed to occur within the nesting bird season. This will help prevent impacts to habitat within the vicinity of the project site.

**11. FINDING:** Chapter 6, Telecommunications (HCGP)  
The proposed development is in conformance with applicable policies and standards of the General Plan Telecommunications Element.

**EVIDENCE:** a) The proposed project is complimentary to the goals and policies, standards, and implementation measures outlined in the General Plan - the facility would provide high-speed wireless broadband access and improved communication services to residents, businesses, and institutions, thereby improving connectivity within the County; the proposed facility would enhance reliable and modern communications service, aiding in emergency response and public safety efforts; The facility's design minimizes visual impact and integrates with the existing environment, preserving the County's rural character.

#### **CONFORMANCE WITH ZONING REGULATIONS**

**12. FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located.

**EVIDENCE:** a) The subject parcel has been determined to be one legal parcel as described in Parcel Map 1873 PM BK 16 P89-90.

b) The RS zone allows for the following conditional uses: private institutions, private recreations facilities, manufactured home parks, and any use not specifically enumerated if they are similar to and compatible with the permitted uses of the zone. New wireless facilities in Residential Zone Districts are permitted subject to issuance of a Conditional Use Permit.

c) The proposed project meets all minimum lot and yard setback requirements and would not exceed the maximum ground coverage; the maximum building height for this zone is 35 feet but applicant has provided evidence regarding the tower height necessity. To ensure that RF signals extend beyond the clutter of nearby trees, hills, etc., antennas must be installed to a certain height. Per the applicant, "Given the heavily varied terrain in this part of the county, with having trees in height from 125'-160', having sufficient elevation is crucial to avoid the need for multiple towers at lower elevations to achieve the same coverage. More towers in the lower elevations would be more visually intrusive. In addition, the parcel size for the land uses in the lower

elevations are generally smaller with greater structure density than the parcels in the hills where our site is proposed.”

- d) “B” combining zone, Special Building Site – Intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. Minimum lot size for this parcel is 5 acres and will not be impacted by the proposed project.

**13. FINDING:**

The proposed non-SCWF (Small Cell Wireless Facility) wireless telecommunications facility is consistent with the Wireless Telecommunications Facilities zoning regulations outlined in Section 314-91, with the exception of the Noise-related ordinance, for which a modified standard or exception is appropriate.

**EVIDENCE:**

- a) General Regulations: The proposed facility is roughly 55 feet from the nearest property line and 92 feet from the nearest residence, conforming to minimum setback requirements; The proposed facility is not located in a County right-of-way; As proposed, the facility would adhere to noise standards, with conditions provided in Attachment 1; Per the plans included with the application, the equipment cabinets will be enclosed/secured by a wood (or composite wood) fence, and the fence will be tall enough to mask the height of the equipment; Subject parcel is not located within an underground utility district; Despite being located outside of any airport influence zone, the FAA was sent a referral for the project but did not provide referral comments to suggest that the tower would be a hazard to navigation.
- b) Special Provisions in Residential Zones: The proposed wireless telecommunications tower is a monopole and does not incorporate lattice or guyed tower designs. Noise from routine operations will exceed the 50 dB threshold for residential zones, however the closest residence (property owner’s) is 110 feet away and has been modeled at an acceptable range level after fence installation around the lease site, interior fencing for attenuation, as well as noise attenuation from distance.

- c) Design Standards:
  - i) The proposed wireless telecommunications facility is not located on a historical building or on the façade of a building and is not visible from Highway 101 (a candidate scenic highway).
  - ii) The facility will use a monopole tower design placed amongst nearby existing trees ranging in height from 125 feet to 160 feet tall, as well as construct a perimeter wood fence at height sufficient to shield all equipment cabinets and other appurtenant structures from public view.
  - iii) Facility equipment will be treated with an anti-glare finish, and the tower-mounted equipment will be designed to be minimally visible to the extent possible.
  - iv) The equipment base will not be visible from adjacent rights-of-way (closest is over 350 feet away) and the leased area will be fenced to provide additional screening; the tower and antennas will be visible from select locations on Myrtle Avenue and Freshwater Road but will be mostly obscured by the terrain and tree canopy.
  - v) No tower lighting/beacon is proposed; Site lighting and identification signage will adhere to the requirements of the zoning regulations and is conditioned in Attachment 1A.
- d) Application Requirements: The applicant has provided the required application materials which are on file with the Department. They include project narratives, maps, technical studies, photo-simulations, alternatives analyses, and other relevant information.
  - i) Improvement to Network: The proposed project will allow current and future Verizon Wireless customers to have access to wireless services in the areas shown on the Coverage Plot, including residential, commercial, retail, and recreational uses in the surrounding communities of Myrtletown, Freshwater, and Bracut. Additionally, this facility will enhance and provide new service coverage for the communities along Highway 101, Myrtle Avenue, and Freshwater Road, extending southward past Freshwater

Park near Kneeland Road. This includes the homes located near Misty Hills Lane and Wood Gulch Avenue, as well as the intersection of Myrtletown Road and Freshwater Road. According to the California Department of Transportation's (Caltrans) Average Annual Daily Traffic (AADT) data, the Highway 101 corridor near Myrtle Avenue experiences over 23,400 daily trips, amounting to approximately 8,541,000 trips annually. Furthermore, the proposed communication site will extend coverage to Murray Field Airport and the commercial properties bordering Highway 101, ranging from just west of the airport eastward to the Redwood Coast RV Resort. The coverage objective was substantiated by empirical network call quality data, as well as feedback from Verizon Wireless customers, local businesses, and travelers in the area. The applicant provided radio frequency analyses and numerous maps of existing service areas and the targeted improvements from the proposed new tower (and alternatives).

- ii) Alternatives Analysis: Initial interest from Verizon was to co-locate their equipment onto an existing facility (as opposed to constructing a new tower), however none exist within the targeted area to which they are proposing service expansion. The following factors were considered when identifying the need and location of a new wireless facility: coverage, capacity, clutter, call handoff, quality of service, RF used by the system, and enhanced 911. Twenty-three properties were analyzed as potential sites for the proposed new tower. Of those 23 properties, 13 were not contacted due to insufficient elevation that fails to meet Verizon's radio frequency engineer requirements, inability to meet setback requirements from the nearest residential parcel, lack of utilities, lack of existing access roads, and/or dynamic topography necessitating significant tree removal. After evaluation of the remaining 9 sites, the proposed site at 250 Misty Hill Lane was selected as the least intrusive and most feasible alternative that would meet the intended service objectives.
- iii) Visual Impact Analysis: The cell tower will be primarily concealed due to its proximity in surrounding forested lands

and trees of similar height. The monopole structure results in a lower overall height for the facility, as opposed to a monotree design which would require approximately 10% additional height, making it a total of 165' to account for the "natural" looking tree crown. The facility will use non-reflective finishes on the equipment and the perimeter fencing will be sufficiently tall to conceal all equipment within the facility. Photo simulations and maps were submitted with the application, depicting limited visibility of the tower itself as well as appurtenant structures.

- iv) Noise/Acoustical Information: The equipment cabinets will exceed required noise standards on residential parcels (50 dB or ambient). The project applicant is requesting an exemption to this standard given its orientation and distance from nearby residences. Proposed operations depict noise levels at or near 60dB, but perimeter and interior fencing will be installed to provide a noise barrier, as well as attenuation from distance will reduce the noise levels to a maximum of 49 dB at the nearest residence. A backup generator will also be installed and subject to compliance with the noise standards of the Wireless Telecommunications Ordinance and Conditions of Approval, which restrict noise levels to 60 dB during operation. The nearest residence is roughly 110 feet from the proposed facility, but the owner of this residence is the property owner entering into the lease agreement with the wireless company and has agreed to the proposed noise levels.
- v) Fire Hazards: The project site is in the SRA, within the Humboldt Bay Fire Protection District, and has a moderate Fire Hazard Severity Zone rating. The site development plan highlights three defensible zone areas, each depicting specific treatments to reduce the collection of potential fuels, including routine maintenance (pruning/removal) of grasses, shrubs and trees, using gravel, pavers or concrete instead of combustible mulch, clearing garbage, recycling and other combustible materials from the site, and ensuring there is adequate space between pieces of equipment. A letter from CAL FIRE indicating that the facility meets applicable State requirements, as well as a fire prevention

plan approved by CAL FIRE, are conditioned in Attachment 1A.

- vi) Hazardous Materials: There will be no hazardous materials at the facility.
- vii) Access: The submitted site plan depicts the development of a 12'-wide graveled access road that connects the facility to Misty Hill Lane. The rocked road will improve an existing non-surfaced access road. Turnaround and parking areas adjacent to the fenced-in facility will also be provided per the site plan.
- viii) Height Requirements: The maximum building height in the RS zone is 35 feet. Evidence to support the 150-foot tower height was submitted with the application. Exceptions to the height limit in any zone may be granted with a Special Permit, normally conditioned upon proportional increases in the required yard. The exception can be authorized under the Use Permit, as provided for under the concurrent permitting provisions found in 312-3.3 of the zoning code. The proposed height allows for consistent and reliable service, including the ability to make and receive calls and use data services effectively in the presence of clutter and varying signal conditions. The nearest residence is roughly 110 feet from the proposed facility, but the owner of this residence is the property owner entering into the lease agreement with the wireless company and has agreed to the proposed height/location of the tower. The monopole tower will generally blend in with the surrounding environment due to its proximity within a dense forested area. The lease area and tower are located approximately 350 feet from the nearest neighboring parcel residence, thus having little to no visual impact.
- ix) Co-Location: The applicant has submitted a letter of intent to allow the shared use of the tower for co-location of other antennae.

**14. FINDING:**

§312-17.1.4 Public Health, Safety and Welfare - There is no indication that the proposed wireless facility will be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) The proposed wireless facility would be subject to obtaining County approval of a building permit and would include review of construction plans designed by a professional engineer. The project complies with federal safety standards for RF emissions as affirmed in the RF-EME report submitted by the Applicants as part of the initial application. The proposed project is substantially set back from any public rights-of-way and neighboring residential properties to minimize visual impact to the surrounding community. The project site will also be surrounded by a perimeter fence to shield facility operations from adjacent properties. Noise from general operations are proposed at a level above the residential standard, however the property owner (and closest resident) has agreed to this exception request by the applicant due to the acoustical study calculations at the residence. As conditioned in Attachment 1A, should noise complaints arise or cause any burdens on the property owner or nearby residences, additional noise attenuating structures may be required to reduce noise levels to residential standards. As proposed, the wireless facility and conditions under which it may be operated and maintained do not contain elements that would be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**15. FINDING:** §312-17.1.5 Housing Element and Residential Densities - The proposed project will have no impact on the residential densities of this parcel.

**EVIDENCE:** a) The parcel is currently designated as Rural Agricultural under the Freshwater Community Plan and was not included in the County's Housing Element Inventory; the proposed project would not modify the possibility of meeting the goals established by the County's housing inventory and is consistent with the goals, policies, and standards of the Humboldt County Housing Element.

## Decision

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the TowerCo Conditional Use Permit for a wireless telecommunications facility, subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **May 15, 2025**.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

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John H. Ford, Director  
Planning and Building Department