### RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

**Resolution Number: 25-009** 

Record Number: PLN-2023-18298 Assessor's Parcel Number: 511-111-063

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the VB BTS II, LLC Conditional Use Permit.

WHEREAS, VB BTS II, LLC 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 2 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-2023-18298); and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on February 20, 2024, 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 is requested to authorize the erection and operation of a 100-foot tall Wireless Communications Facility at the Beau Pre Golf Course. The proposal is part of a joint-venture between Vertical Bridge (VB BTS II, LLC) and T-Mobile USA, Inc. Vertical Bridge would hold the

master lease on the tower site and T-Mobile is expected to be the initial tenant at the site. The structure would be located within an approximately 2,500 square foot fenced lease area and will be capable of hosting equipment for up to three different wireless carriers. Stealthing is included to help disguise the facility and obscure the visibility of antennas and other equipment by making the structure look like an evergreen tree complete with faux branches on its "trunk". T-Mobile plans to install a variety of equipment on the tower, including twelve (12) 8-foot antennas, six (6) remote radio units, one (1) microwave antenna, and (1) GPS antenna. Other improvements include antenna cabling, HCS jumpers, two (2) ground mounted radio cabinets, (2) raised concrete pads, a cable ice bridge, utility backboard and a multimeter utility service mounted on an H-frame within the 50'x50' fenced lease area. Approximately 450 feet of trenching will be required to extend power to the lease area from the nearest utility pole. Though not proposed at this time, an emergency back-up generator may be installed in the future. An exception to the accessory structure height limit is requested.

**EVIDENCE:** 

a) Project File: PLN-2023-18298

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 100-foot tall wireless tower and related ground-based equipment compound within an approximately 2,500 square foot lease area. The area targeted for development is part of an existing golf course and is comprised of a level grassy area near the end of the driving range.

- c) Although the tower is within the flight path of the nearby public airport (California Redwood Coast-Humboldt County Airport), the applicant has completed consultation with the FAA and received a determination of No Hazard to Aviation via Form 7460-1. The top of the tower will be approximately 105 feet above ground level (approx. 242 feet above mean sea level). This is approximately 50 feet below the ceiling established for airspace protection, which at this location is approximately 155 feet above the ground.
- d) 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 (MCCP)

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

**EVIDENCE:** 

a) The conditional use permit is for a wireless telecommunications facility on an existing golf course with a commercial recreation land use designation. There is no conflict with the Housing Element. Additionally, the project is located close to a public airport (California Redwood Coast-Humboldt County Airport) and is subject to restrictions on residential land use and density under the Humboldt County Airport Land Use Compatibility Plan.

4. FINDING:

§2500 Rural Land Use (MCCP)

The proposed development is in conformance applicable policies and standards in the McKinleyville Community Plan concerning Rural Land Use.

**EVIDENCE:** 

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 McKinleyville. 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 minimizing the cost of providing services and conserving energy.

### 5. FINDING:

§2600 Urban Land Use (MCCP)

The proposed development is in conformance applicable policies and standards in the McKinleyville Community Plan concerning Urban Land Use.

### **EVIDENCE:**

a) The proposed project is located within McKinleyville's Urban Expansion Area and is considered "rural" in terms of development purposes. Streams, streamside management areas and wetlands, although adjacent to the proposed facility, will not be impacted by the operations of the telecommunications tower; The recreational benefits of the golf course will not be impacted by the proposed facility as the tower and equipment will visually blend into the area with the stealth design aspects, and will provide fencing to ensure safety for the golfers and other visitors to the property.

### 6. FINDING:

§4.8 Housing Goals & Policies (HCGP) §2743 Land Use Designations (MCCP)

The proposed use is consistent with the land use designation applied to the property.

### **EVIDENCE:**

a) The commercial recreation (CR) designation is utilized to classify existing and proposed private and commercial recreational uses primarily related to outdoor facilities. The proposed project is compatible with the adjacent properties and surrounding neighborhoods. The proposed project does not impact the CR designation nor any of the recreational opportunities associated with the existing site.

### 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 McKinleyville Community Plan concerning Public Safety & Hazards.

### **EVIDENCE:**

- a) The Mad River Alquist Priolo Fault Hazard Zone is located approximately 250 feet from the proposed tower facility. While technically outside of the hazard zone, the applicant may choose to perform geologic testing prior to construction.
- b) The closest mapped flood zone is located immediately west of the golf course where Norton Creek runs along the east side of Central Avenue, approximately 850 feet west of the proposed tower site and approximately 14 feet lower in elevation.
- c) The property is located at the western edge of the State Responsibility Area for Fire Protection (SRA) and is also located within the boundaries of the Arcata 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.
- d) Although the tower is within the flight path of the nearby public airport (California Redwood Coast-Humboldt County Airport), the applicant has completed consultation with the FAA and received a determination of No Hazard to Aviation via Form 7460-1. The top of the tower will be approximately 105 feet above ground level (approx. 242 feet above mean sea level). This is approximately 50 feet below the ceiling established for airspace protection, which at this location is approximately 155 feet above the ground.

### 8. FINDING:

§3240 Noise (MCCP)

The proposed development is in conformance applicable policies and standards in the McKinleyville Community Plan concerning Noise.

### **EVIDENCE:**

a) The proposed facility is setback approximately 600 feet from the nearest residence; no backup generators are proposed at this point, and the equipment cabinets will not exceed required noise standards (50 dB or ambient, whichever is greater). Should a backup generator be installed in the future, it will be subject to compliance with the noise standards of the Wireless Telecommunications Ordinance and Conditions of Approval, which restrict noise levels to 60dB during operation.

### 9. FINDING:

§3250 Airport Safety (MCCP)

The proposed development is in conformance applicable policies and standards in the McKinleyville Community Plan Airport Safety.

### **EVIDENCE:**

a) The FAA conducted an aeronautical study which revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation. No tower lighting is required. The proposed facility complies with the Airport Land Use Compatibility Plan for the Humboldt County Airports Master Plan, and the proposed facility is compatible with the adjacent Humboldt County airport.

### 10. FINDING:

§3420 Sensitive and Critical Habitats (MCCP)

The proposed development is in conformance applicable policies and standards in the McKinleyville Community Plan for the protection of Sensitive and Critical Habitats.

### **EVIDENCE:**

- a) Streams, streamside management areas (SMA's), wetland areas and other sensitive areas are identified by the County Framework Plan as sensitive habitats. There are number of freshwater ponds on the property which qualify as wetlands under state and local regulations, including the County's Streamside Management Area Ordinance. Review of the California Natural Diversity Database (CNDDB) shows that several of the ponds are host to populations of the northern red-legged frog. The nearest ponds to the site of the proposed tower are located 300 to 350 feet away.
- b) According to the CNDDB, eastern portions of the property are identified as being within the range of a fisher population while the northern half of the property is shown to be within the range of the northern clustered sedge.
- c) According to the Biological Resources Impact Analysis prepared by Lotis Environmental, LLC, a field survey was performed at the property on June 9, 2023. The survey was conducted on foot and documented existing conditions, looking for the presence or potential occurrence of any sensitive species. No native trees or shrubs were found to occur within the portion of the property targeted to be developed for the tower and lease area. The

biologist determined that no portions of the area proposed for development footprint contain the necessary habitat suitability elements to support listed sensitive wildlife species. The area chosen was found to be previously disturbed by excavation, backfilling, and compaction activities during golf course development, and therefore determined not to contain the necessary habitat suitability elements to support listed sensitive wildlife species.

d) A Condition of Approval has been included requiring that a survey for nesting birds be performed if 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 applicable policies and standards of the General Plan Telecommunications Element.

### **EVIDENCE:**

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) Per LLA-25-96 the subject parcel has been determined to be one legal parcel as described in Notice of Lot Line Adjustment Certificate of Subdivision Compliance 2011-12152
- b) The RS zone allows for the following conditional uses: private institutions, private recreations facilities (including golf courses), 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, buildings, hills, etc., antennas must be installed to a certain height. Per the applicant, "The 95-foot antenna tip height is the minimum necessary to ensure that T-Mobile can meet its technical service objectives, including providing reliable coverage and enabling seamless signal handoff between neighboring T-Mobile facilities, while preserving the possibility of co-location by at least two other carriers. With trees in the immediate vicinity reaching between 65 and 107 feet tall, the tower would blend into the surrounding area and pose little visual concern.
- d) "AP" combining zone (Airport Safety Review): The FAA conducted an aeronautical study which revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation. No tower lighting is required. The proposed facility complies with the Airport Land Use Compatibility Plan for the Humboldt County Airports Master Plan, and the proposed facility is compatible with the adjacent Humboldt County airport.
- e) "N" combining zone (Noise Impact): The proposed facility is setback approximately 600 feet from the nearest residence; no backup generators are proposed at this time, and the equipment cabinets will not exceed required noise standards (50 dB or ambient, whichever is greater). Should more than 1 noise complaint arise, a noise sensor shall be installed and recorded data provided to the County upon request, as conditioned in Attachment 1.
- f) "Q" combining zone (Qualified) Ord. 1691: The Q combining zone applicable to the property restricts certain uses otherwise principally permitted under the base zoning and "X" combining zone. However, no restrictions are applied to

conditionally permitted uses such as Wireless Telecommunications Facilities authorized elsewhere by the code.

- "WR" combining zone (Streamside Management Areas and g) Wetlands): There are two Freshwater Forested/Shrub wetlands located adjacent to the proposed project site – one roughly 175 feet away and the other roughly 550 feet away - as well as a freshwater emergent wetland roughly 600 feet away. There is a small freshwater pond associated with the closest of the wetlands. According to WebGIS and the CNDDB, northern redlegged frogs and northern clustered sedge (both rare and endangered species) were shown to exist in those wetland areas, possibly including the footprint of the proposed project. However, according to the biological assessment submitted with the permit application, the project site consists of heavily compacted bare ground which lacks the habitat suitability elements for sensitive wildlife species, and none are likely to occur within the proposed development footprint. There are also multiple streamside management areas on the parcel and on adjacent lands, but not within the proposed project area. Therefore, no direct impacts to any sensitive wildlife species or their habitat are anticipated from implementation of the proposed project.
- h) "X" combining zone (Recreation): The proposed wireless telecommunications facility is a commercial use that is compatible with the existing recreational use (commercial golf course) of the property. The proposed project site would occupy roughly 2,500 square feet of a 111-acre parcel and would not be detrimental to existing or future uses.

### 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.

### **EVIDENCE:**

a) General Regulations: The proposed facility is roughly 575 feet from the property line and 550 feet from the nearest residence, conforming to minimum setback requirements; The proposed facility is not located in a County right-of-way; There are no backup power sources included with the project but future additions will conform to all conditions outlined in Attachment 1A; 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 measure 5.25 feet tall and entire site will be enclosed/secured by a chain link fence with faux vines on it to provide screening, and the fence will be tall enough to mask the height of the equipment; Subject parcel is not located within an underground utility district; The FAA conducted an aeronautical study which revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation.

b) Special Provisions in Residential Zones: The proposed wireless telecommunications tower is a monopole designed as a faux tree (monopine); No backup generators are proposed at this time, and the equipment cabinets will not exceed required noise standards (50 dB or ambient, whichever is greater).

### c) Design Standards:

- The proposed wireless telecommunications facility is not located on a historical building or on the façade of a building and is not visible from a Highway 101 (a candidate scenic highway).
- ii) The facility will use a faux tree design to disguise the cell tower amongst nearby existing trees ranging in height from 65 feet to 107 feet tall, as well as a perimeter chain link fencing covered with faux vines to provide a stealth design. Fence height will be 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 blend with the faux tree elements.
- iv) The equipment base will not be visible from adjacent rightsof-way (closest is over 500 feet away) and the leased area will be fenced to provide additional screening; the antennas selected for the project will installed in a way that allows them to be obscured by the branches of the faux tree design.

- 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, and other information submitted by the applicant.
  - Improvement to Network: The proposed facility would i) provide in-building wireless coverage to the residential neighborhoods within the vicinity of Murray Road to Airport Road in northern McKinleyville, including the Humboldt County Airport which is currently not adequately served by T-Mobile's network. The coverage objective was determined through a combined analysis of customer complaints, service requests, and radio frequency engineering design. The applicant provided radio frequency analyses and numerous maps of existing service areas and the targeted improvements from the proposed new tower (and alternatives). According to the project application, an estimated 5,384 people would receive new or, at minimum, improved coverage from the proposed new tower.
  - Alternatives Analysis: Initial interest from T-Mobile was to ii) 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. Twenty-seven properties were analyzed as potential sites for the proposed new tower. The analysis considered numerous variables for each property, such as the distance from the area to be served by the tower, general interest from property owners and/or their ability to enter into a lease agreement, physical space constraints due to zoning setbacks, presence of wetlands and other sensitive plant & animal habitats, proximity to buildings, and others, lack of trees or other natural features to provide screening, rooftops of sufficient height, visual impacts related to scenic highways and other zoning ordinances, among others. The proposed site at the golf course 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 concealed as a tree (monopine tower), with antennae and equipment incorporated into the design. The height of the monopine will be consistent with nearby trees. 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. The faux vines on the fence will comply with the design review ordinance regarding chain-link fence installations. Photo simulations and maps were submitted with the application.
- iv) Noise/Acoustical Information: The equipment cabinets will not exceed required noise standards (50 dB or ambient, whichever is greater). Although no backup generators are proposed at this point, should a backup generator be installed in the future, it will be subject to compliance with the noise standards of the Wireless Telecommunications Ordinance and Conditions of Approval, which restrict noise levels to 60dB during operation. The nearest residence is roughly 600 feet from the proposed facility. As a condition in Attachment 1A, should more than 1 noise complaint arise, a noise sensor shall be installed and recorded data provided to the County upon request.
- v) Fire Hazards: The project site is in the SRA, within the Arcata 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 20'-wide graveled access road that connects the facility to Norton Road. 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 100-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 tower exceeds the required 30-foot SRA setback from property lines by over 500 feet and only seeks to exceed the accessory structure height limit by 79 feet. The 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 monopine tower will blend in with the surrounding environment and is located at least 600 feet from the nearest 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:** 

 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 incorporates stealth design and is substantially set back from adjacent public rights-of-way and nearby residences to minimize visual impact to the surrounding the community. The project site will also be surrounded by a perimeter fence to separate facility operations from golfers, staff and other visitors. 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 Commercial Recreation under the McKinleyville 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 VB BTS II, LLC 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 February 20, 2025.

The motion was made by COMMISSIONER <u>THOMAS MULDER</u> and second by COMMISSIONER <u>NOAH LEVY</u> and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriazi,

Sarah West, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Peggy O'Neill

ABSTAIN: COMMISSIONERS: DECISION: Motion carried 6/0

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.

John H. Ford, Director

Planning and Building Department

### **ATTACHMENT 1A**

### **CONDITIONS OF APPROVAL**

### APPROVAL OF THE PERMIT(S) IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS

### **Conditions of Approval:**

- 1. The project shall be developed, operated and maintained in accordance with the approved Project Description, Site Plan, Operations Plan, and these Conditions of Approval. Changes to the project other than Minor Deviations as provided in §312-11.1 HCC shall require modification of this permit.
- 2. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e., grading, building, plumbing, electrical, mechanical, fences and gates over six feet in height, etc.).
- 3. Applicant/Owner shall submit plans by a California-licensed engineer for the Building Permit. Building plans submitted shall be consistent with all Conditions of Approval applied under the discretionary permit(s).
- 4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 5. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

- 6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this fee to the project.
- 7. Before building permit final inspection and sign-off, the Applicant shall request an inspection by the Planning Department. The Review for Conformance with Conditions fee shall be paid upon request of the inspection. This fee is in accordance with the County's adopted Schedule of Fees and Charges.
- 8. The faux branches of the stealth tower structure shall be designed to conceal all antennas and similar equipment and at minimum shall extend down to the height of the treeline of nearby vegetation.
- 9. Ground disturbing construction and grading shall employ fugitive dust control strategies (e.g., watering or similar methods) to prevent visible emissions from exceeding North Coast Air Quality Management District (NCAQMD) regulations and prevent public nuisance. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
- 10. Any chain link fencing shall be anti-climb and include brown or green slatting.
- 11. Development shall include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. No other signage or advertisements are permitted unless expressly approved by the Planning Director, the Zoning Administrator or the Planning Commission, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.
- 12. Applicant/owner shall submit verification to the Planning Division that all required FAA approvals have been met prior to Building Permit issuance. This includes, but is not limited to: Federal Aviation Requirements (FAR), Part 77 ("Objects Affecting Navigable Airspace") approval and the FAA's evaluation of the Form 7460-1 which determines whether the project is a hazard to aviation.
- 13. Prior to development, applicant shall provide a letter from CAL FIRE indicating that the map showing defensible space meets the applicable State requirements, per Section 314-91.2.8.3.7.3. Applicant shall also furnish a fire prevention plan that has been

approved by CAL FIRE, which discusses existing, proximate fire hazards, the fire risks posed by the addition of a facility at the location, proposed measures to lessen fire risks associated with the facility and an ongoing maintenance plan. A draft copy of the plan shall be provided to Arcata Fire Protection District and CAL FIRE at least ninety (90) days before the start of any construction activities, per Section 314-91.2.8.3.7.4.

14. For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the Migratory Bird Treaty Act and California Fish & Game Commission shall be conducted by a qualified biologist no more seven (7) days prior to initiation of construction activities, including construction staging and vegetation removal. The surveys should include the entire disturbance areas plus a 200-foot buffer around any disturbance areas. If active nests are located, all construction work should be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer should be a minimum of one hundred (100) feet for non-raptor bird species and at least three hundred (300) feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer. The buffer area(s) should be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist should confirm that breeding/nesting has completed and young have fledged the nest prior to removal of the buffer. If there is a lapse in project-related activities of seven days or more, the biologist should resurvey the area before work resumes.

### <u>On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:</u>

- 1. The applicant shall maintain the tower such that the appearance of the stealth tree remains in good condition during the life of the facility. Verification of adequate stealthing is subject to review and approval by the Planning Director, or their designee.
- 2. Work/construction hours are limited to between 8:30 am 5:00 pm, Monday Saturday. There shall be no construction occurring on Sundays.
- 3. Routine generator testing shall be conducted during daylight hours between 9 am and 4 pm, Monday through Friday.
- 4. Should a backup generator be installed at the site requiring gasoline or diesel to operate, all fuel shall be stored in a safe and responsible fashion and in compliance with applicable state and local regulations. The storage method and location shall include measures providing for secondary containment in the event of a spill.

- 5. Applicant shall submit a request for Agency Review for substantial conformance on any proposed changes of the operation, including but not limited to additional users (co-location), and change of antennas/microwave dishes. The fee for this request is listed on the County of Humboldt Fees and Charges Worksheet, approved annually (typically December and implemented the next year) by the Board of Supervisors.
- 6. Submittal of a new cumulative RF Report (prepared by a California-licensed Engineer) shall be required each time there are proposed changes to equipment associated with transmission at the wireless facility. This includes addition, reconfiguration, or replacement of tower-mounted equipment such as antennas, amplifiers, or similar equipment, as well as the replacement of ground-based equipment that could result in changes to the RF signature of the site. Each report must evaluate the cumulative RF from all equipment and carriers at the site.
- 7. The permittee shall adhere to all recommendations found in each cumulative RF report. The following are standard mitigations applicable to all wireless communication facilities, which shall apply for the life of the project:
  - A. Limit access to antennas during operation;
  - B. Install and maintain warning signs which comply with ASNI C95.2 color, symbol and content conventions;
  - C. Posted contact information for access to restricted areas; and
  - D. Install and maintain security fencing.
- 8. The permittee shall submit a report every five (5) years regarding the structural integrity of the tower to the satisfaction of the Building Inspection Division. The report shall be prepared and certified by a qualified licensed engineer. This condition will be administered by the Planning and Building Department Building Inspection Division.
- 9. In the event the permitted use of the communication tower has been discontinued for a period of 90 consecutive days, the tower shall be deemed abandoned. After a tower has been considered abandoned, the owner/applicant shall have an additional 90 days to reactivate the permitted use of the tower; or transfer the tower to another owner/operator who makes actual use of the tower. If use has not been reactivated within the prescribed time period, all approvals shall automatically expire. Within 12 months of tower being deemed abandoned, the tower shall be dismantled and removed to an approved location along with all appurtenant structures. Dismantlement and removal shall be the responsibility of the applicant and property owner.

- 10. Applicant shall adhere to all Federal Aviation Administration (FAA) regulations, including, but not limited to the submittal of FAA Form 7460-2, "Notice of Actual Construction or Alteration," within prescribed time limits.
- 11. If obstruction lighting is required by the FAA for the proposed extension of the tower height, all required lighting shall be Night-Vision-Goggle (NVG) compatible (aviation red lighting emitting IR energy at a wavelength above 665 nanometers).
- 12. USFWS personnel shall be allowed to access the tower site after its construction to conduct bird surveys and studies in order to gain information on the impacts of various tower sizes, configurations and lighting systems.
- 13. Design changes (changes to the tower design which limit or reduce the effectiveness of stealthing, extensions in height greater than 10%, addition of tower-mounted lighting, etc.) shall require a modification to this permit.
- 14. Operations shall be conducted consistent with the Project Description, Site Plan and Plan of Operations.
- 15. Per the submitted site plan, the 20'-wide graveled access road from Norton Road to the tower facility, as well as the turnaround area shall be maintained for emergency vehicles and other utility easement access.
- 16. New utilities shall be installed underground, when feasible.
- 17. Per the Humboldt County Wireless Telecommunications Facilities Ordinance (Ord. 2703, adopted 11/29/2022), the facility is subject to the following performance & design standards and requirements found in section 314-91.2 of the Zoning Regulations:

### PERFORMANCE STANDARDS

- a. Inadvertent Archaeological or Native American Remains Discoveries: All discretionary and ministerial permits shall include the condition of approval or note identified in Standard CU-S4.E of the General Plan regarding inadvertent discovery of archaeological or Native American remains.
- b. Notification of California Department of Fish and Wildlife (CDFW): If a bird of prey (e.g., hawk, falcon, owl, etc.) establishes a nest on a facility, the permittee shall provide written notification of the nest to the Planning and Building Department and to CDFW within ten (10) days of nest discovery.

### c. Maintenance:

- i. All landscaping shall be maintained as shown on the approved landscape plan. Trees and shrubs shall be maintained to screen the site. Dead and dying landscaping shall be replaced in accordance with the approved landscape plan.
- ii. All wireless telecommunications sites shall be kept clean and free of litter.
- iii. All equipment buildings shall display a legible operator's contact number for reporting maintenance problems.
- iv. Maintenance vehicles servicing facilities located in the public or private rightof-way shall not park on the traveled way or in a manner that would obstruct traffic.
- d. FCC Emission Compliance: Records shall be maintained which demonstrate ongoing compliance with FCC emission regulations and guidelines. Records shall be made available to County staff within three (3) business days of the request.
- e. Abandonment or Discontinuation of Use:
  - i. All operators who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intentions no less than sixty (60) days prior to the final day of use.
  - ii. Wireless telecommunications facilities with use discontinued shall be considered abandoned ninety (90) days following the final day of use.
  - iii. All abandoned facilities shall be physically removed by the facility owner no more than ninety (90) days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- f. Revocation: Failure to comply with any condition of approval or applicable standard shall constitute grounds for possible revocation of use pursuant to Section 312-14.

### **DESIGN STANDARDS**

g. All new and existing outdoor lighting within the lease area shall be kept to a minimum in every instance to ensure it is compatible with the existing setting. Lighting shall be directed downward to keep light within the boundaries of the site. All lighting shall be controlled by a manual switch. Motion-activated lighting shall be controlled by a timed switch of no greater than one hour's duration. Additional lighting shall only be used on a temporary basis when nighttime maintenance is necessary.

### SPECIAL PROVISIONS IN RESIDENTIAL ZONES

- h. Lattice and guyed tower are prohibited.
- i. Routine noise from any equipment supporting the facility shall not exceed fifty (50) dB or the ambient noise levels, whichever is lower. Backup generators shall only be used on a temporary basis and noise levels from backup generators shall not exceed sixty (60) dB. Noise-attenuating structures may be required if operational noise would otherwise exceed these limits. Installation of a noise sensor may be required if more than 1 noise complaint is received following operation. Following installation, noise monitoring data shall be collected and provided to the County upon request.

### **Informational Notes:**

- 1. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
- 2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
- 3. If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Bear River Band of Rohnerville Rancheria, Wiyot Tribe, Blue Lake Rancheria, any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American

origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

### The applicant is ultimately responsible for ensuring compliance with this condition.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916) 653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707) 445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. FENCES/GATES: Pursuant to County Code Section 411-11 G) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department - Building Division at 707.445.7245 prior to constructing any fences or gates.

5. Under California Health and Safety Code, Section 25404 et seq., any business that contains on-site more than 55 gallons, 500 pounds, or 200 cubic feet of a hazardous material, or generates hazardous waste as part of their business activity, must report these activities and be inspected. Contact Humboldt County Environmental Health's

Hazardous Materials Unit at (707)268-2220 or <a href="mswoveland@co.humboldt.ca.us">mswoveland@co.humboldt.ca.us</a> if you store hazardous materials above these quantities or generate hazardous waste.



### PROJECT DESCRIPTION:

CONSTRUCTION OF TELECOMMUNICATIONS AND PUBLIC UTILITY FACILITY, CONSISTING OF A 100 MONOPHE MITH (12) F AVITEMANS, (6) RRUSS, (1) Z HIGHOWALE, (1) SES AVITEMA, RECUBED ANTENNA, RECUBED ANTENNA, RECUBED ANTENNA, RECUBED ANTENNA, RESUBED CONSISTE PAD, CALLE FROME, CHILTY BACKGROWN AND MULTI-METER UTILITY SERVICE MOUNTED ON HAFRAME MITHIN A 50'SOF FENCED LEASE RAEE, AN WAITER OR SERVICE SERVICE FOLLY IN A 50'SOF FENCED LEASE RAEE, AND WAITER OR SERVICE SERVICE FOLLY IN SERVICE MOUNTED ON HAFRAME MITHIN A 50'SOF FENCED LEASE RAEE, AND WAITER OR SERVICE SERVICE IS REQUIRED, THIS WILL BE AN UNIMANINED FACILITY.

### ALL WORK AND MATERIALS SHALL BE PERPORRED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADDPTED BY THE LOCAL GOVERNING AUTHORITIES, NO THING IN THESE PLAYS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES. CODE COMPLIANCE:

# 1. 2022 CALEDRINA BUILDING CODE 2. 2022 CALEDRINA ITTLE 24. 3. 2022 CALEDRINA ITTLE 24. 3. 2022 CALEDRINA ERE CODE 3. 2022 CALEDRINA ELECTRIC CODE 4. 2022 CALEDRINA ELECTRIC CODE 5. 2022 CALEDRINA INC. DANIELA LODE 6. 2022 CALEDRINA INC. DANIELA LODE 6. ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE 6. CHYLODAY FORDINADES 6. CHYLODAY FORDINA

# **US-CA-7281 WIDOW WHITE CREEK**

APPROVAL BLOCK

APPROVED 

AS NOTED REVISE

verticalbridge

0

### MCKINLEYVILLE, CA 95519 1710 NORTON DR

PERMITTING

DATE

DATE

CONSTRUCTION MANAGER SITE ACQUISITION VERTICAL BRIDGE

DATE DATE DATE

### 100' MONOPINE

## TENANT SITE ID: BA90123A



SITE



### LOCATION MAP

TELCO COMPANY:	POWER COMPANY:	CONTACT:	APPLICANT:	PROPERTY OWNER:	PROJECT DIRECTORY
AT&T	PG&E	ASSURANCE DEVELOPMENT 1499 HUNTINGTON DR. #205 SOUTH PASADENA, CA 91030 CONTACT: BILL LEWIS PHONE: 628.765.5079	VERTICAL BRIDGE 750 PARK OF COMMERCE DR. #200 BOCA RATON, FL 33487	EVANS ON EARTH HOLDINGS, LLC 1738 IVERSON AVE, ARCATA CA 95521 PHONE: 707.498,9710	



2,500 SQ. FT. 135.96' (NAVD88) 40.960558' (40° 57' 38.01' N) -124.096764° (124° 05' 48.35' W)

PARCEL #.
DEED REFERENCE:
ZONING LASSIFICATION:
ZONING JURISDICTION:
CONSTRUCTION TYPE:
OCCUPANCY:
NO. OF STORIES:
SPRINGLER:
STRUCTURE TYPE:
STRUCTURE HEIGHT:
CONSTRUCTION AREA
GROUND ELEVATION:
LATITUDE (NAD 83):
LONGTUDE (NAD 83):

MONOPINE

U (UNMANNED TELECOM FACILITY)
1 (ENCLOSURE ONLY)
NONE

SITE NAME: SITE NUMBER: TENANT SITE ID: SITE ADDRESS:

US-CA-7281 BA90123A 511-111-063 1710 NORTON DR MCKINLEYVILLE, CA 95519

WIDOW WHITE CREEK

PROJECT INFORMATION VICINITY MAP

UNDERGROUND SERVICE ALERT

























