

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number: 25-

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 multi-meter 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: 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 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 (CNDDDB) 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 CNDDDB, 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: 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) 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.

- g) “WR” combining zone (Streamside Management Areas and 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 CNDDDB, northern red-legged 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:
 - 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 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 rights-of-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 be 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.
 - i) Improvement to Network: The proposed facility would 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.
 - ii) Alternatives Analysis: Initial interest from T-Mobile 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. 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:

- 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 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 _____ and seconded by COMMISSIONER _____ and the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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.

John H. Ford, Director
Planning and Building Department