



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

May 16, 2019

LOCATION:

Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT:

Pernell, Nelson, Warner, Holtkamp, Hall, Ogle, Jacobszoon

COMMISSIONERS ABSENT:

None

PLANNING & BLDG SVC STAFF PRESENT:

Brent Schultz, Director
Julia Acker, Chief Planner
Jesse Davis, Senior Planner
Keith Gronendyke, Planner III
Sam Vandy Vandewater, Planner II
Susan Summerford, Planner III
Adrienne Thompson, Administrative Services Manager II
Jim Feenan, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. **Roll Call.**

The meeting was called to order at 9:03 a.m.

2. **Planning Commission Administration.**

2a. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. **Director's Report and Miscellaneous.**

Ms. Julia Acker Krog noted that Director Schultz was available for questions, but did not have a report to present. She also noted that there were no items scheduled for the June 6, 2019 Planning Commission meeting, which had been canceled.

4. **Matters from Public.**

No one was present from the public who indicated a desire to address the Commission.

5. **Consent Calendar.**

None.

6. **Regular Calendar.**

6a. **CASE#: R_2019-0001**
DATE FILED: 1/10/2019

OWNER: PATRICK DUGGAN

APPLICANT: REDWOOD REMEDIES

AGENT: EMILY HACKBARTH

REQUEST: Rezone of a 12.34± acre portion of a 22.35± acre parcel within the Rural Residential zoning district, from a lot size minimum of 1 acre (RR:1) to 10 acres (RR:10).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 0.2± miles east of Redwood Valley center, on the south side of Road D (CR 232), 0.1± miles east of its intersection with Harris Court (Private); located at 1401 Road D, Redwood Valley (APNs 163-082-09 and 163-090-05)

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: SAM VANDEWATER

Mr. Vandewater, staff planner, reviewed the staff report and discussed the request related to a partial rezoning, which was to allow for the continued cannabis cultivation on the site. He noted that the current zoning of RR1 would “sunset” on May 4, 2020, and the applicant’s request would reduce the density of the southern portion of the parcel to RR10, while the northern portion of the parcel would remain at the RR1 zoning designation. He stated that staff found the project to be in conformance with the General Plan and County Zoning Code and requested the Planning Commission recommend that the Board of Supervisors approve the project.

Commissioner Warner asked if any neighbors had submitted comments.

Mr. Vandewater noted that he had not received any letters but had spoken to one neighbor on the phone to clarify the project description.

Commissioner Wiedemann asked what the source of the water was for the cultivations site.

Mr. Vandewater noted that the parcel was served by the water district and PBS did review cultivation permits for adequate water supply during processing.

Commissioner Wiedemann asked how the parcels were being split related to the zoning.

Mr. Vandewater clarified that the parcels were not being split; however the single legal parcel would have two different zonings on the site.

Ms. Acker Krog also clarified that the proposed rezoning did not include any development and a water source was not needed at this point; for future development water would need to be identified.

Commissioner Holtkamp noted that several rezones had come forward recently that reduced zoning and she asked if that could affect the Housing Element.

Ms. Acker Krog noted that the County was in process of updating the Housing Element and Jesse Davis could most appropriately respond.

Mr. Davis commented that the rezoning would reduce the density and thus availability of development; however there could be geographic constraints to development on existing sites and was unsure of the direct impact to the Housing Element. He commented that there would be more rezoning applications and general plan amendments coming to the Commission due to cultivation and the sunset clause.

The Commission and staff discussed the various dotted lines through the site plan related to the legal parcel boundary, proposed rezone delineation and cultivation site setback.

Chair Ogle asked how someone would be able to tell the parcel was split-zoned “in field”.

Mr. Vandewater noted that the applicant must submit a meets & bounds survey for approval.

Emily Hackbarth, Agent, supported staff’s determination of the project and also noted that there are 9 acres of vineyard on the upper portion of the parcel that would remain. She also commented that many of the surrounding parcels to the south were AG40 and it was not a solely residential area.

The public hearing was declared open, seeing no one come forward the public hearing was declared closed.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Pernell, and carried by a voice vote of (7-0), IT IS ORDERED that the Planning Commission recommends the Board of Supervisors grant Rezone R_2019-0001 for the Project, as proposed by the applicant, based on the facts and findings.

AYES: Pernell, Nelson, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None

6b. CASE#: UM_2019-0001

DATE FILED: 3/15/2019

OWNER: RURAL COMMUNITES HOUSING DEVELOPMENT CORP. (RCHDC)

APPLICANT: RCHDC

AGENT: RYAN LARUE

REQUEST: Use Permit Modification for U_2016-0003 to allow for project phasing and to change the target population from exclusively senior housing to mixed population low income housing.

ENVIRONMENTAL DETERMINATION: Addendum to a previously adopted Mitigated Negative Declaration

LOCATION: Bordering the Ukiah City limits, lying on the south side of Brush Street (CR 217) at the eastern intersection of Orr Street (CR 216), 250± ft. from the intersection of Orchard Avenue (City Limits) to the west. The property is bounded on the south by 1,000± ft. of Orr Creek, which defines the limits between the City and County (APN: 002-101-26).

SUPERVISORIAL DISTRICT: 2

STAFF PLANNER: SUSAN SUMMERFORD

Ms. Susan Summerford, staff planner, reviewed the staff report and discussed the Memo that had been distributed to the Commission. She reviewed the changes requested to the staff report, resolution and addendum to the previously adopted Negative Declaration. She discussed the variance to parking, which had previously been approved for a senior housing development and noted that special needs housing would also qualify for the reduction to parking standards. She noted that the modification in the request was to allow for project phasing and no substantial changes were made; although Condition #23 was added at the behest of the applicant.

Commissioner Pernell requested clarification on Condition #15, related to the term half-width widening.

Amber Munoz, Department of Transportation, discussed the meaning of half width road widening, which located all proposed improvements on one half of the road.

Commissioner Pernell discussed the bike path and connection to a future trail system.

Ms. Munoz commented that the bike lane and sidewalk would be along the road frontage and deferred to the applicant for future trails.

Ryan La Rue, RCHDC, discussed the proposed road improvements surrounding the 8 acre parcel and stated that they would tie into the Orchard Avenue Bridge. He also discussed the linear trail adjacent to Orr Creek.

Commissioner Warner commented about the improvement of the Orr Creek Bridge.

Mr. La Rue commented that RCHDC did not have funds for the Orr Creek Bridge at this time, but noted the City of Ukiah may be seeking grant funds to improve the bridge.

Commissioner Warner discussed the need for a fence along the creek in case young children were present.

Mr. La Rue agreed that a fence might be prudent; however there was a restriction to building in the riparian zone and they could not build the fence.

Commissioner Warner asked who would qualify applicants for the new units.

Mr. La Rue noted that RCHDC would qualify applicants based on the funding source, as there were income qualifications associated with grant funding and income tax credits.

Commissioner Wiedemann noted the need for housing in the community and asked why more 3 bedroom units had not been included.

Mr. La Rue discussed the change in the application from senior units to special needs and also commented that RCHDC was trying to stay in line with the previous project approval as much as possible. He noted there was a restriction on bed counts for the tax credit program and if they modified the plans further, they would need to supply 20% 3 bedroom units, which would also substantially increase costs.

Ms. Summerford noted that within the modified conditions, the Director of Planning and Building could further approve changes or modifications that may be needed for phasing.

Ms. Acker also discussed that the reduced parking analysis may not work with increased bedrooms in the units.

Commissioner Pernell asked why the change in housing from senior to special needs.

Mr. La Rue commented that the mixed housing in special needs seemed to accommodate the market study more appropriately than just a senior housing project. He also noted that recently the City of Ukiah had completed the Sun House Senior Living project and was also working on a senior housing development near Rite Aid.

The public hearing was declared open.

Diana Clarke, Director of the Ukiah Senior Center, noted her support of the project and discussed the need for housing in the community.

The public hearing was declared closed.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Wiedemann, and carried by the following roll call vote (7-0), IT IS ORDERED, by a Revised Resolution, the Planning Commission adopt the Addendum to the previously adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and grant UM_2019-0001, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval, including revisions contained in the Staff Memo dated May 15, 2019, to the Addendum to the Mitigated Negative Declaration, Conditions of Approval, Staff Report and Resolution.

AYES: Pernell, Nelson, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None

[Break 9:44 AM – 9:54 AM]

6c. CASE#: U_2017-0034

DATE FILED: 12/22/2017

OWNER: LORDS LAND MINISTRIES

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP, LLC/ JARED KEARSLEY

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of a 135 foot tall monopine (monopole designed to resemble a pine tree) with various appurtenant equipment and ground equipment including a generator and equipment cabinet. Associated improvements include establishment of access to the site via a gravel road and trenching of power and fiber to the site location. The proposed monopine will be located within a 1,800 square-foot fenced compound.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In the Coastal Zone, 4± miles southeast of the town of Albion, on the north side of Navarro Ridge Road (CR 518), 3± miles east of its intersection with Highway 1, at 30660 Navarro Ridge Road, Albion (APN: 126-230-33).

SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: JULIA ACKER

Chair Ogle read into the record Telecommunications Act from page 1 of the staff report.

Julia Acker, Chief Planner, reviewed the staff report and discussed the proposal for a monopine in Albion, along Navarro Ridge Road. She discussed the supplemental findings for the Coastal Zone and noted the parcel was split zoned between inland and coastal. She stated the location was not in a highly scenic designation and was surrounded by foliage. She noted that several conditions of approval had been added to address the timing of construction related to the nesting of birds and bats, but no other hazards were identified. She noted that although the Wireless Guidelines had not been incorporated into the Coastal Zoning Code, the application did meet the intent of the guidelines and staff was recommending approval of the mitigated negative declaration. She clarified several inconsistencies within the staff report and a modification to Condition #24 on page 6 of the Resolution.

Commissioner Warner discussed the condition related to noise and asked who decided if it was necessary to enclose the generator.

Ms. Acker noted the condition relied on whether the generator would exceed decibel levels, but staff did not anticipate a concern.

Commissioner Wiedemann asked why AT&T had proposed diesel for the generator instead of propane.

Ms. Acker deferred to the applicant.

Commissioner Nelson commented that his farm used diesel generators because they were more reliable and less flammable. He assumed AT&T had the same reasons. He also asked how the generator was turned on in case of emergency; if a person was needed or there was an automatic start when power was lost. He also noted a concern with maintenance of vegetation around the site.

Ms. Acker noted the project was within a leased area and would have monthly site visits. She also noted that building permits were required and the applicant must meet all applicable codes.

Commissioner Nelson also noted that one of the towers on the Willits grade area that had been destroyed by fires twice had cinder block walls around the equipment shed and asked if that was a potential option for the facility.

Ms. Acker noted that there must be defensible space, but would not need "fireproofing"; she noted the applicant may elaborate on the structure.

Commissioner Warner asked if a new road was being constructed and if the residents would also use the access.

Ms. Acker stated it was an existing encroachment onto Navarro Ridge Road, but would be upgrade to commercial for the project.

Commissioner Wiedemann discussed the lighting and need to protect the night sky and asked if there was a timer to make sure the lights turned off at night.

Ms. Acker believed that the lights were for security and on motion sensors, but deferred to the applicant for further details.

Commissioner Holtkamp discussed the Wireless Guidelines as they related to road maintenance for property owners and felt residents should be made aware.

Ms. Acker stated that there was not a condition in the report, however road maintenance was a civil matter related to the easement and lease agreement.

Commissioner Wiedemann asked about coverage maps for the proposed tower.

Ms. Acker stated she was unaware of any specific number of residents and noted the coverage maps on the projector.

Jared Kearsley, Epic Wireless Agent for AT&T, introduced his team and stated that diesel was more stable than propane for the generator. He noted that the generator had an auto switch to kick on when there was a power outage and would recharge the batteries as needed. He discussed the coverage maps and estimated that the tower would reach 300 living units.

Chair Ogle asked about fire proofing the construction.

Mr. Kearsley stated that the fence around the compound would be wood boards as selected by the property owner, and built to fire codes, and noted the generator would be asked for sight and sound. He also clarified that the lights were on motion sensors and would not be on all night.

Commissioner Pernell discussed the objective for broadband internet, and asked what that would mean for the area; great data or more.

Mr. Kearsley stated it would be more than data and would supply internet. He stated it was not a fiber optic facility however and was relayed signals.

Commissioner Wiedemann discussed the coverage maps and noted the lack of coverage in surrounding areas, which she hoped could be increased for EMS response access.

Donna Davis, Public Relations for AT&T, noted that the projects on the agenda were being built with connect America funds, which was intended for broadband access; other wireless coverage was a secondary concern.

The Commission discussed the need and requirement to allow collocation.

Nick Tagus, Epic Wireless Long Range Planner, discussed future advancements in technology and elaborate on how collocation worked with multiple carriers.

Chair Ogle asked how much of the proposed tower would be underground with a 135 foot height.

Mr. Tagus stated that the base was wide as opposed to deep and may have as much as a 30 foot base of concrete in the ground.

Commissioner Wiedemann asked if the tower could be seen from the road, since it was a highly scenic area.

Ms. Acker commented that it would not be seen from the road.

Commissioner Jacobszoon asked the applicant to discuss line of site and LTE service.

Mr. Tagus discussed the differences in tech from high speed internet and line of site. He noted the proposed site would not be wireless high speed or LTE, which required fiber to the tower; this installation was broadband through a microwave dish or back haul to pass the signal from tower to tower.

[Break 10:40 AM – 10:51 AM]

Commissioner Nelson noted that he must recuse himself due to a potential conflict. After a discussion with County Counsel, he did not feel his prior comments during the meeting would affect the hearing.

The public hearing was declared open.

Diann Simmons, EDFC, noted they were the Broadband Coordinator for Mendocino County and was in support of the project.

Annemarie Weibel was opposed to the project and submitted numerous handouts related to health, safety and fire concerns.

The public hearing was declared closed.

Commissioner Warner commented that she preferred the wooden fence versus a chain link fence.

Commissioner Jacobszoon agreed with the wooden fence.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Warner, and carried by the following roll call vote (6-0), IT IS ORDERED, By resolution, the Planning Commission adopt a Mitigated Negative Declaration and grant Coastal Development Use Permit #U_2017-0034 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval, modifying Condition #24.

AYES: Pernell, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None
RECUSED: Nelson

Commissioner Warner commented that she found the coverage maps very important and helpful and requested they be added in all wireless facility staff reports.

6d. CASE#: U_2017-0036

DATE FILED: 12/22/2017

OWNER: AT&T CORP

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP, LLC

REQUEST: Coastal Development Use Permit to authorize construction and operation of a wireless communication facility consisting of an 80 foot tall monopine (monopole designed to resemble a pine tree) with various appurtenant equipment and ground equipment including a generator and equipment cabinet. Associated improvements include establishment of access to the site via a gravel road and trenching of power and fiber to the site location. The proposed monopine will be located within a 1,800 square-foot fenced compound.

ENVIRONMENTAL DETERMINATION: Statutory Exemption

LOCATION: In the Coastal Zone, 1± miles north of the community of Manchester, on the north side of Kinney Road (CR 512), 1± miles west of its intersection with Highway 1, located at 44601 Kinney Road (APN 133-010-04).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIA ACKER

Ms. Acker Krog noted the applicant had requested a continuance of the project with no specific date.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Jacobszoon, and carried by the following voice vote (6-0), IT IS ORDERED to continue U_2017-0036 to an unspecified hearing date.

AYES: Pernell, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None
RECUSED: Nelson

6e. CASE#: U_2017-0038

DATE FILED: 12/22/2017

OWNER: HARTSTONE BIBLE CONFERENCE

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP, LLC

REQUEST: Use Permit to authorize construction and operation of a wireless communication facility consisting of: 175 ft. tall lattice tower with various appurtenant equipment and ground equipment, a generator, and an equipment cabinet. Associated improvements include establishment of access to the site via a gravel road and trenching power and fiber to the site location. The proposed lattice tower will be located within a 1,680 sq. ft. fenced compound.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 4± miles north of the town of Potter Valley, located on the west side of Van Arsdale Rd. (CR 242), 2± miles northwest of its intersection with Eel River Rd. (CR 240B), located at 17856 Van Arsdale Rd., Potter Valley (APN 171-080-14).

SUPERVISORIAL DISTRICT: 1

STAFF PLANNER: JULIA ACKER

Chair Ogle noted she had met with Hartstone Bible Conference to review the location of the proposed tower.

Julia Acker, Chief Planner, reviewed the staff report and discussed height requirements, setbacks and potential exceptions that would be needed in order for the tower to meet the Wireless Guidelines. She noted the parcel had split General Plan designations, but all development was proposed on the Rural Residential parcel and an allowed use. She stated that the tower did not meet the 500% setback to adjacent residences and an exception would be required for approval. She commented that the applicant had attempted to get the adjacent property owners to agree to the exception, but had been unsuccessful. She noted that there was screening to reduce visual impacts of the tower and ultimately, it was the Planning Commissions decision to either grant the exception or reduce the height of the tower to meet the Wireless Guidelines.

Chair Ogle asked if the 500% setback related to the nearest residence or multiple.

Ms. Acker noted that there were several residences within the setback.

Commissioner Jacobszoon asked how many residents would utilize the service.

Ms. Acker deferred to the applicant.

Commissioner Wiedemann asked if the applicant had contacted all the property owners within the setback, and how many had signed the waiver.

Ms. Acker noted that not all residents had signed the waiver and deferred to the applicant for the exact numbers.

Commissioner Pernell asked when AT&T had switched from monopines to lattice towers requested clarification on the exception process.

Ms. Acker noted that there were more stringent standards in the Coastal Zone; however the Commission could request a monopine if they wished. She also discussed the exception process and noted the Commission could find that the towers benefit outweighs the need to meet setback and reduce the standard for this application.

Jared Kearsley, Agent, discussed the height of the proposed and noted that the lattice design was used due to height and need to reach over the forest.

Chair Ogle asked what the maximum height was for a monopine.

Mr. Kearsley stated the top of the tree could be at 160 feet.

Commissioner Pernell asked if the secondary height of 118 feet would meet the setback.

Ms. Acker discussed the coverage map and noted she would find the exact height that would meet the setback.

Nick Tagus, Epic Wireless, noted the dramatic change in service with the reduced height. He estimated up to a 40% loss in coverage due to the existing trees and potential for collocation would be lost.

Chair Ogle asked if there was an increased fire risk with a monopine.

Mr. Tagus noted that monopines were made out of fiberglass and were not a higher risk of fire.

Mr. Kearsley also noted the signal degradation from the reduced height.

Chair Ogle asked the location of Eel River as a comparison.

The Commission discussed the photosims of the site with the Agent.

Commissioner Jacobszoon commented that Potter Valley proper would not receive any coverage.

Commissioner Wiedemann asked if any additional sites were proposed in downtown Potter Valley and if there were coverage maps submitted.

Ms. Acker noted staff had a list of projects, but not the proposed coverage maps.

Commissioner Warner commented that the remote location and was concerned with deviating from the adopted Wireless Guidelines.

Ms. Acker noted that the setback was significant so that if the tower fell, it would not hit a residence.

Commissioner Wiedemann commented that while the shorter height would meet setbacks, it would not provide the desired coverage and felt more information was needed.

Mr. Kearsley stated the four closest residences were 475 feet, 590 feet, 614 feet, and 697 feet and stated that the immediate danger zone from a tower falling was only 110% setback. He felt the 500% setback was for aesthetics.

Director Schultz commented that the County and adopted the goal of infrastructure for 98% of households and noted the difficult decision before the Commission. He noted a reduced height would not meet coverage objectives.

The public hearing was declared open.

Hal Pauli, Hartstone Bible Chairman of the Board, was in support of the project and felt it was an appropriate location. He stated the tower was setback 271% from nearest residence.

Joan Torreano was opposed to the project and had numerous concerns including, health, safety, property values, and stated she had purchased her home in the country to be away from things like cell towers.

Grover Hunter was opposed to the proposed tower due to health concerns.

Annemarie Weibel was opposed to the project due to aesthetics and health concerns, and disagreed with making any exceptions to the Wireless Guidelines.

Kari Williams Reba stated she was the closest residence to the proposed tower location and was opposed to the project. She stated the tower would only benefit Hartstone and not the people nearby. She was concerned with fire hazards, a lack of access roads and degradation of the wildlife habitat.

The public hearing was declared closed.

Commissioner Warner commented on the strong community opposition to the site.

Commissioner Wiedemann noted that there were Wireless Guidelines for a reason and stated that the closest 7 people did not agree with the location and AT&T did not want to lower the height.

Commissioner Pernell noted that she was not comfortable with the findings that must be made to allow an exception to the setback; based on public input, she did not support the current proposal.

Chair Ogle asked if alternate locations were being considered.

Mr. Tagus noted they were given a census tract and search area to find a location and this parcel was the best match.

Chair Ogle was not clear why fiber was not being considered.

Mr. Tagus noted that the purpose of the tower was for broadband service, not just phones. He stated that if it was only phone service, moving the tower would not be that much of an issue; however with the broadband component, lowering the tower would mean the loss in ability to provide customers with internet.

Ms. Acker commented that the tower would need to be reduced to 95 feet in height in order to meet the 500% setback and was not sure if the applicant would agree with a reduction. She noted staff would request a continuance to obtain the necessary materials and information.

Commissioner Jacobszoon also requested to see alternative locations.

Mr. Kearsley noted there was a specific search ring and coverage objectives needed for the site.

Commissioner Holtkamp made the recommended motion to approve the use permit and grant the exception to the Wireless Guidelines, which was seconded by Commissioner Jacobszoon.

The motion failed (3-3)

AYES: Holtkamp, Jacobszoon and Ogle
NOES: Wiedemann, Pernell and Warner
RECUSED: Nelson

Commissioner Holtkamp made a motion to continue the project, seconded by Commissioner Pernell for discussion.

Commissioner Pernell commented she did not support an exception and the tower must meet setbacks. She requested all proposed coverage maps, an overlay of the location map, coverage to households (LU) and geographic area.

Commissioner Warner requested an analysis of tree removal that may be required at the site to accommodate the lower height.

Commissioner Wiedemann also asked for the Alternative Site analysis and stated the benefit in the current location did not make sense.

Chair Ogle noted that of the seven parcels affected, no one spoke in favor and asked the applicant to reach out to see if there was any community support.

Ms. Acker noted that if the proposed location was moved, a completely new report and analysis would be needed and asked if the Commission could check with the applicant on timing.

Mr. Tagus noted they would agree to a month continuance.

Commissioner Holtkamp stated the continuance would be to the June 20th 2019 Planning Commission meeting.

Matt Kiedrowski, County Counsel, commented that if the Commission was considering denial, staff would need time to write those findings and would work with the continuance. He also noted that if too much time passed, AT&T may simply abandon site in order to use the funding elsewhere.

Commissioner Wiedemann commented that there were many places in need of broadband and less complicated sites to process.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Pernell, and carried by the following roll call vote (5-1), IT IS ORDERED:

AYES: Pernell, Warner, Holtkamp, Jacobszoon, Ogle
NOES: Wiedemann
ABSENT: None
RECUSED: Nelson

[Lunch 12:40 PM – 1:39 PM]

6f. CASE#: U_2018-0007

DATE FILED: 3/15/2018

OWNER: MENDOCINO REDWOOD COMPANY LLC

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP, LLC / JARED KEARSLEY

REQUEST: Use Permit to construct a telecommunications facility within a 2,025 sq. ft. leased area. The proposed site is to consist of; a 153 ft. tall lattice type tower with 12 panel antennae, various appurtenant equipment, diesel generator for backup power, and ground mounted equipment cabinets within the leased area. Access to the site is to be via a 7,346± ft. long roadway off of Mattilla Rd.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 2.45± miles southeast of the town of Comptche, 5,500± ft. southeast of the intersection of Comptche-Ukiah Rd. (CR 223), and Mattilla Rd. (private). Access to the proposed tower will be via a new access roadway off of Mattilla Rd., no address assigned. 29445 Comptche-Ukiah Road, Comptche (APN: 125-270-11).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: KEITH GRONENDYKE

Keith Gronendyke, staff planner, reviewed the staff report and discussed the location of the proposed tower, zoning designation and noted staff found the request consistent with the General Plan and Zoning Code. He noted staff was recommending approval and adoption of a Mitigated Negative Declaration and had distributed a revised Resolution with redlines. He read the correction to Condition #4e into the record.

Jared Kearsley, Agent, noted he was available for questions.

Chair Ogle asked where the electric was coming from.

Mr. Kearsley stated there would be a trench underground from Mattilla Road.

Commissioner Wiedemann asked how many people would be served.

Mr. Kearsley stated 180 homes.

Commissioner Warner discussed the access road related to Condition #17 and recalled other reports that required assessment prior to construction and that the road be repaired to as is or better after construction.

Mr. Kearsley noted the road was shared with MRC.

Ms. Acker commented that the Commission could add additional language if the wished.

Commissioner Holtkamp discussed the location of residences on the coverage maps.

Commissioner Wiedemann asked if Comptche-Ukiah Road and Flynn Creek Rd would get reception in case of an accident.

Mr. Kearsley did not think there would be reception and noted the main goal was broadband service.

Commissioner Pernell asked how a monopine would compare for visual impacts.

Mr. Kearsley noted that if the design was changed to a monopine, they would need to add an additional 10 feet to reach coverage objectives.

Commissioner Wiedemann asked how the cost compared between a monopine and lattice tower.

Mr. Kearsley stated it was not a major difference, around \$40,000-\$50,000.

Ms. Acker noted that she had found language related to the road assessment within the Wireless Guidelines and read the language into the record.

The public hearing was declared open,

Jim Gagnan noted his support for the project and stated the Community was “starving for support”. He expressed a concern that the coverage was insufficient; however and did not reach the schools, church, hospital, volunteer fire department, and would actually serve less than half of the community. He commented that if the approval of the tower had potential to reduce the fire departments ability to apply for and receive grant funding, then they did not want the tower, because it had little purpose for the downtown area. However, if this proposed site was just the beginning of future infrastructure to come, he was in full support.

Commissioner Wiedemann asked what areas were covered by the proposed tower since it appeared that the most important areas would not receive service.

Mr. Tagus discussed the proposal and noted this was a “stand alone” tower. He could not say what other sites may be feasible for the future.

Chair Ogle asked if the proposed site would work with additional facilities if approved.

Mr. Tagus noted that there must be a demonstrated need for future development of sites. He also understood the concern with grant funding and noted that the proposed site was being built with grant funding for increased broadband services and would not be available in the future.

Mr. Gagnan reiterated his point that the proposed tower would not serve the schools or downtown area and asked that this be a prominent part of the public record.

Director Schultz noted the process to pick sites and asked if the proposed tower could be used to locate future sites.

Mr. Tagus noted the future sites would be located based on the need for service and the market share of customers.

Director Schultz asked when more sites could be added if the proposed project was not approved.

Mr. Tagus noted the proposed site was based on grant funding and future sites would need funding secured prior to the application process.

Commissioner Wiedemann noted that a large part of the population was not served by the proposed tower and asked what the survey had targeted in the location of the site.

Mr. Tagus discussed the search ring for the application and noted that the best location was not accessible, thus the proposed site was selected.

Commissioner Warner commented that the selection of sites seemed “backwards” and the locations did not seem to fit the right population.

Katy Tahja noted she was in support of the project but echoed concerns that the volunteer fire department, emergency service center, schools and downtown corridor along the valley floor would not receive any service. She commented that it was a nice proposal but was not giving people what they want or need.

Commissioner Holtkamp commented that she would like to see a master plan for communication towers, but noted it would probably never be provided. She stated that if the proposed project limited public safety, she was opposed to the project.

Mr. Gagnan commented that if the corporate goal of the tower was to remove the land lines, this was not a suitable solution and he asked that follow-up services be provided. He noted they would support the project if this was the only service they would receive.

Commissioner Wiedemann asked if the height could be increased to reach the town.

Donna Davis, AT&T, commented that they did look at making the tower taller but it still would not reach the town due to the topography of the land.

Laney Koski, Comptche citizen, noted she was on the disaster committee and agreed that roads and access were a concern. She was disappointed that the tower would not reach the emergency shelter or schools and did not believe that the site would actually provide 200 homes with services as most of the community was on the valley floor and missing coverage.

Annemarie Weibel was opposed to any proposed tower locations due to visual impacts, fire hazard, night skies, light and glare. She was also strongly concerned with health issues and wildlife protection.

Fern Tya was opposed to the project due to sediments from trenching near the headwaters of the Albion River.

Ms. Acker commented that access was being provided from an existing dirt road to the project site.

Chair Ogle asked if the Department of Fish and Wildlife (DFW) received a packet.

Mr. Gronendyke stated that DFW had received the packet and submitted comments of "no concerns" as long as there were no wires and lighting was only at ground level.

Ms. Acker noted that DFW had no concerns from the project related to damage to the creek, or salmonid habitat. She noted that as long as BMPs and the Stormwater guidelines were met, there would not be an issue.

The public hearing was declared closed.

Commissioner Pernell commented that the project appeared to meet all requirements; however she would prefer more coverage.

The Commission discussed the request from the public to document the unmet needs of the proposed project and whether further discussion or additional conditions should be added.

Mr. Kiedrowski commented that the Minutes from the hearing would summarize the interaction of the Commission, staff and the public and he noted that a formal transcript or video from the meeting could be requested if further documentation was needed. He felt that the comments reflect the fact that the proposed tower does not cover the town of Comptche, volunteer fire department, schools or emergency shelter.

Commissioner Wiedemann commented that she understood the need for the current project and requested that future funding and additional coverage be researched to meet public safety needs.

Commissioner Holtkamp stated that *the needs of public safety, the emergency shelter, volunteer fire department and town of Comptche were not being met by the proposed project and stated that the approval of the proposed project should not limit any future funding to public safety actions for the Comptche Community. [Emphasis Added]*

Director Schultz commented that one of the most underserved areas in the Country was the west coast and he hoped to increase coverage to more towns in the future.

Upon motion by Commissioner Wiedemann, seconded by Commissioner Holtkamp and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission, by a Revised Resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Use Permit U_2018-0007 for the Project based on the facts and findings and subject to the conditions of approval.

AYES: Pernell, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None
RECUSED: Nelson

6g. CASE#: U_2018-0008

DATE FILED: 3/15/2018

OWNER: PHILLIP WASSON & GENEVA FAMILY

APPLICANT: AT&T MOBILITY

AGENT: EPIC WIRELESS GROUP LLC / JARED KEARSLEY

REQUEST: Use Permit to construct a new telecommunications facility within a 2,025 square foot lease area. The site is proposed to consist of a 153 foot tall lattice type tower with eight panel antennae along with various appurtenant equipment, a diesel electricity generator for backup power needs and ground mounted equipment cabinets within the fenced in lease area to facilitate the operations of the cell tower. Access to the lease area is to be via a 1,325 foot long roadway from State Highway 128.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 2 ± miles northwest of the town of Boonville, 14,000 ± ft. northwest of the intersection of Hwy 253 (SH 253), also known as Boonville/Ukiah Rd., and Hwy 128 (SH 128), located at 10100 Road 150B, Boonville (APN: 046-170-60).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: KEITH GRONENDYKE

Keith Gronendyke, staff planner, reviewed the staff report and discussed the zoning of the site. He noted that a Revised Resolution had been distributed to the Commission and staff was recommending approval of the Mitigated Negative Declaration for the project.

Chair Ogle discussed the photo simulations from the staff report and asked if other sites had been reviewed. She also noted a correction in the staff report on page PC 2 related to the elevations that should read southwest, not northeast.

Ms. Acker noted that the footer of the photos noted the location and would update the staff report.

Commissioner Warner asked if the access road was new or existing.

Mr. Gronendyke stated it was an existing access road.

Commissioner Holtkamp asked if the roadway took access from Peachland or Anderson Valley Way to get to the driveway.

Jared Kearsley, Agent, stated access to the parcel was from a private property, and he was not sure of the roadway to led to the driveway.

Mr. Gronendyke commented that Road 150B appeared to be the access to the private driveway.

Commissioner Wiedemann noted she had received some phone calls regarding the visibility of the tower compared to Octopus Mountain and asked the location as it related to Highway 128.

Mr. Kearsley felt the tower would be shielded by foliage and not visible from Hwy 128.

Ms. Acker noted there was a photo standing back from Hwy 128, which appeared that the tower would not be visible.

Commissioner Pernell asked how many residences would receive coverage.

Mr. Kearsley noted approximately 350 households would receive service.

The public hearing was declared open.

Annemarie Weibel was opposed to the project due to wildlife degradation, light and glare in the view shed, biological resources, and health concerns. She noted the Initial Study determination was not complete in the staff report.

The public hearing was declared closed.

Mr. Gronendyke commented that the timing of Condition #7 had been changed to account for the nesting of birds and bats.

Commissioner Pernell asked staff about the Environmental Determination mentioned by the speaker.

Ms. Acker commented that a check box was missed in the Initial Study, however the document was clear that a Mitigated Negative Declaration was being proposed and was stated throughout the full initial study, legal notice and staff report.

Upon motion by Commissioner Warner, seconded by Commissioner Jacobszoon and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission, by a Revised Resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant the Use Permit for the Project based on the facts and findings and subject to the conditions of approval.

AYES: Pernell, Warner, Holtkamp, Wiedemann, Jacobszoon, Ogle
NOES: None
ABSENT: None
RECUSED: Nelson

7. Matters from Staff.

Ms. Acker noted that the previous Use Permit, U_2017-0038 (Hartstone Bible Conference) would need to be discussed as she had just learned that there would not be a quorum for the hearing on June 20, 2019. She asked if the Commissioners could check their calendars for a special meeting date.

Commissioner Wiedemann noted she would be out of town from June 10-21st.

Commissioner Jacobszoon noted he would be out of town from June 20-July 5th.

Commissioner Ogle noted she would be absent for the June 20th meeting.

Commissioner Warner noted she would be absent the last week of June.

The Commission agreed to a Special Meeting on July 3rd, with a start time 10:00 AM. Commissioner Wiedemann, Ogle, Warner and Holtkamp were available.

Ms. Acker noted that a new legal notice would be needed.

8. Matters from Commission.

None.

9. **Approval of Minutes.**

None.

10. **Adjournment.**

Upon motion by Commissioner Pernell, seconded by Commissioner Wiedemann, and carried by a voice vote of (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 3:12 p.m.

DRAFT