



## MENDOCINO COUNTY PLANNING COMMISSION

### MINUTES FOR THE MEETING HELD ON:

July 3, 2019

### LOCATION:

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

### COMMISSIONERS PRESENT:

Wiedemann, Ogle, Pernell, Warner and Holtkamp

### COMMISSIONERS ABSENT:

Jacobszoon, Nelson

### PLANNING & BLDG SVC STAFF PRESENT:

Julia Acker, Chief Planner  
Sam Vandy Vandewater, Planner II  
Adrienne Thompson, Administrative Services Manager II  
Jim Feenan, Commission Services Supervisor

### OTHER COUNTY DEPARTMENTS PRESENT:

Christian Curtis, Deputy County Counsel

#### 1. Roll Call.

The meeting was called to order at 10:05 AM

#### 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. Acker commented that there would not be a Directors Report. She noted that she would have several items under Matters from Staff.

#### 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#: 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

Ms. Julia Acker, Chief Planner, noted that the item was originally heard at the Planning Commission meeting on May 16, 2019, where it was continued to allow the applicant the opportunity to consider reducing the overall tower height so that it would not require any set-back reduction. She noted that the agent for the project, Epic Wireless, had provided staff with additional information regarding the feasibility of reducing the tower height and maintaining coverage objectives. She noted that staff had distributed a Memorandum to the Commission detailing the new information. Ms. Acker noted the agent stated that reducing the tower height to 95 feet was not an option, and would require extensive tree removal in the area, which would cause aesthetic impacts and would not provide the coverage needed for the project. Ms. Acker commented that staff maintained their previous recommendation of approval, noting that the project would require findings for a set-back reduction and acknowledged that the reduced set-back would provide more visual screening for the project, as proposed by the applicant and would not require additional trees to be removed. Ms. Acker stated that she had also prepared an alternate resolution for denial, which was attached to the Memo distributed to the Commission, for consideration. Ms. Acker noted that there was substantial public comment received for the item, and she believed that there were 25 or more letters, many were in support of the tower noting that it would provide greater service for any emergency situations. She also noted that there were several letters noting concerns from members of the public, specifically about nighttime lighting and EMF concerns related to cell towers.

Commissioner Holtkamp asked how many exceptions have been granted so far.

Ms. Acker noted that she was not certain of the number of exceptions granted.

Commissioner Warner mentioned that the coverage maps were missing from the packets and asked if they could be put on the projector screen.

Ms. Acker showed the coverage maps on the screen, noting the areas within the set-back. She also explained that the map was showing the potential coverage, if the tower was approved at the taller height.

Commissioner Warner asked how many households would be included.

Ms. Acker deferred the question to the applicant.

Commissioner Pernell requested a coverage area map in the context of the greater region.

Ms. Acker noted she would locate the map, while the Commission heard from the applicant.

Mr. Jared Kearsley stated that the tower would serve 160 residents.

Commissioner Warner asked if the tower would provide cell phone service.

Mr. Kearsley stated it would provide wireless internet, as well as regular mobile services, which included, texting, talking and web browsing as well as first responder access, and first net services. He noted there was one antenna per sector that was designated for first net service, and EMS for the first responders.

Commissioner Wiedemann asked if they were already in consultation with other cell phone providers, or other companies to install additional towers.

Mr. Kearsley stated that no one had shown any interest in collocation.

Commissioner Pernell asked which properties were affected due to the lack of set-back for tower height.

Mr. Kearsley stated that properties owned by Emerson, Williams, Small, Graham, Grass, McGrew, Gaston and another Hartstone Bible Camp property were within the set-back.

Commissioner Wiedemann asked which was the closet residence and by how many feet.

Mr. Kearsley stated that Carry Williams was 495 feet from the tower. He noted that in order to meet set-back criteria without a variance, the distance equates to a 95 foot tower and was insufficient to meet coverage objectives.

Commissioner Wiedemann asked about alternative sites.

Mr. Kearsley discussed the process to select tower locations, and noted AT&T had sent out letters to properties that met their criteria, and did research reviewing the title report, etc. to identify an ideal site. He noted that after the May hearing, they had looked at the other side of the Eel River, as asked by the Commission, but found that the high point was inaccessible and the grade was more than 20 percent. He stated that the flat area would pose the same issue regarding lack of set-back, and would not meet coverage objectives.

Chair Ogle asked how coverage would be effected in the lower sites.

Mr. Kearsley stated that they did not review the sites for coverage once it was clear that access and set-back would be an issue. He also commented that the application was filed in December 2017, and it had been one and half years and they did not want to start over with another project.

Ms. Acker notified the Commission that the additional coverage map was on the projector screen, showing the entire area.

Chair Ogle asked if Ms. Acker could point out Eel River Road.

Ms. Acker showed the Commission Eel River Road.

Chair Ogle asked if the red and white dotted lines were the end of the County road.

Ms. Acker noted that, yes, that was Eel River Road and it was the end of the County road.

The Commission discussed various locations on the overlay map with staff.

Commissioner Wiedemann asked Chair Ogle as a private resident, if Potter Valley had cell towers or was hard wired or cable.

Chair Ogle stated that there was cell service down on the valley floor, but not on the other side of the mountain, which was the discussion today.

Mr. Kearsley stated that there was an AT&T service tower in Potter Valley, south of the proposed area.

Commissioner Wiedemann asked the location of the cell tower.

Mr. Kearsley noted the location on the screen.

The Public Hearing was declared open, and the Chair noted comments would be limited to 3 minutes.

**Dave Dick** stated his overwhelming support for the project and asked the Planning Commission to approve the tower.

**Darwin Dick** was in support of the tower in case of an emergency.

**Lee Boatright** was opposed to the tower and felt it would become an eye sore, because of the light glare, but was in favor of greater cell phone service.

**Hanna Peterman** was in support of the tower for safety and internet access.

**Laura Ware** was in support of the tower for emergency services.

**Beb Ware** was in support of the tower for greater cell phone service.

**Terri Grass** stated she was in support of the cell tower for greater communication access.

**Alan Grass** was in support of the cell tower for increased cell service.

**Jerry Floyd** was in support for increased services.

**Juana Juan** said she had to go up through the water to get to the top of the hill to call her children to see if they were okay and was in support of the tower.

**Rick Shaw** was in favor of the tower for safety, and communication.

**Dick Laurie** was in favor of the tower.

Nick Tagus, with Epic Wireless, noted that the FAA was not requiring lights on the tower, so there would not be illumination against the night sky. He stated the main purpose of the tower was for high speed internet, and noted the coverage maps were conservative and there was potential for greater coverage.

Chair Ogle asked if the fiber optics installation was for this tower specifically or just for AT&T to install more towers in the future.

Mr. Tagus stated it was specifically for this project.

The Commission clarified with Mr. Tagus that no lighting was proposed on the tower.

Ms. Acker referred the Commission to Condition #6 in the resolution that discussed the lighting fixtures.

Mr. Tagus stated there was no light on top of the tower.

**Joan Torano** stated they needed cell service during power outages, and read some information from her letter, regarding the release of 5G service.

**David Dalton** stated he was in favor of the tower for communication, health and cellular access.

**Andrea Emerson** agreed with increased cell service but felt this was not the ideal location for a cell tower. She did not support the tower or a reduced set-back.

**Cary Williams** was in favor of cell service, but stated it was not an ideal location for the tower and did not support the project.

**Christina Slates** stated her husband was a California Highway Patrol Officer, and she was in support of the tower for EMS and call services.

Mr. Tagus clarified that the company installing fiber was a separate group. He noted that 5G will only be used for densely populated areas because the signal travels through light; 4G has a longer light band and can navigate through more rural area. He stated this was a reliable service, cost effective, and there was dedicated space on the tower for emergency responders to co-locate.

**Hal Pauli** was in support of the project and stated the set-back issue was a matter of code, and noted that the Commission had the discretion to approve a reduction to the set-back. He also felt the tower would not be visible in the current location.

**Eric Peterman** was in support of the tower for EMS, safety, and wanted greater cell phone access.

The public hearing was declared closed.

Chair Ogle brought the matter back to the Commission and asked Ms. Acker to read #3 and #4 from the Wireless Guidelines.

Ms. Acker read into the record Section C, # 1m, that:

"Antenna towers shall be subject to setbacks required by the County Zoning Code, and shall be set back a minimum of 110% of the overall height from any property line, and a minimum of 500% of the overall height from any residence or school. Tower setbacks in excess of setbacks required by the Zoning Code may be reduced under any one of the following circumstances:

- i. The facility is proposed to be co-located with an existing, legally established communications facility.
- ii. All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
- iii. Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- iv. Within sixty (60) days of completion of the installation of any antenna tower, the applicant shall submit a written certification from a licensed engineer to the County of the actual height."

Commissioner Wiedemann stated that she did not feel that the code section adequately mitigated the requirement of a 500 percent overall set-back. She felt the exception did not protect the property owners who do not agree and are not in support of a tower.

Commissioner Pernell clarified that 5 of the 7 property owners responded and accepted the reduced setback. She asked if the County had any contact with the sixth neighbor who was in support but not willing to sign the letter.

Ms. Acker noted they had not.

Mr. Kearsley noted he had the reduced set back waiver for the McGrew property, but it was not signed; however the property owner had written a support letter dated June 27, 2019 for the project, which he could share with the Commission.

Commissioner Warner felt the need for cell coverage and broadband access outweighed her concerns, and further stated that not everyone would be satisfied with the decision. She noted that public comment had changed her mind in support of the project.

Chair Ogle noted she had met with Mr. Pauli and visited the site and felt it would be hidden from view.

Commissioner Wiedemann asked if there was some type of compensation from AT&T for those families opposed to the site location within the set-back.

Ms. Acker stated there was nothing in the County's Guidelines. She also noted that she would need to make corrections to the resolution, and would display them on the projector screen to explain the changes.

Christian Curtis, Deputy County Counsel, asked that changes be included in the motion.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Warner, and carried by the following roll call vote (4-1), It is ordered that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval on case number U\_2017-0038, and certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission and added amendments herein.

AYES: Pernell, Warner, Holtkamp, Ogle  
NOES: Wiedemann  
ABSENT: Nelson, Jacobszoon

**6b. CASE#:** R\_2019-0004

**DATE FILED:** 2/7/2019

**OWNER:** LEAH BRADLE

**APPLICANT:** JOLENE ALLEN

**AGENT:** ANNJE DODD

**REQUEST:** Rezone of one parcel from Limited Commercial (C1) to General Commercial (C2).

**ENVIRONMENTAL DETERMINATION:** Exempt per CEQA Section 15183

**LOCATION:** 2± miles west of Redwood Valley center, on the north side of North State Street (CR 104), at its intersection with US 101, located at 9651 N. State Street, Redwood Valley (APN: 162-100-55).

**STAFF PLANNER:** SAM VANDY VANDEWATER

Mr. Vandewater, staff planner, reviewed the staff report for the Commission and discussed the request to rezone one parcel from limited commercial to general commercial, located two miles west of Redwood Valley town center. Mr. Vandewater explained there were concerns from the Redwood Valley MAC regarding community character, which was noted under the community character combining district and explained the exclusion of formula businesses. Mr. Vandewater discussed concerns with new uses submitted by the MAC, but commented that staff found the project to be consistent with both the General Plan and the Zoning district and was exempt from CEQA under section 15183. Mr. Vandewater noted that the Resolution should be corrected to reflect the appropriate hearing date and should be updated to July 3, 2019, and stated staff recommended that the Planning Commission recommend approval to the Board of Supervisors of the rezone.

Commissioner Warner clarified the location of the site.

Mr. Vandewater noted the site from the parcel map on the projector screen.

Commissioner Pernell asked if Mr. Vandewater could expand on the Redwood Valley MAC concerns and anything else listed in the comments.

Mr. Vandewater explained he had received one email about the new uses that would be allowed in the C2 district, as well as the community character; they did not want formula businesses coming into that area. He noted that after the MAC had spoken to the agent for the project, they did not have any additional concerns.

Commissioner Wiedemann questioned the egress on to Highway 101 corridor.

Mr. Vandewater explained that there was an administrative permit for the parcel, which Caltrans had added conditions to, related to ingress and egress, and noted that signs would be placed in appropriate areas.

Annje Dodd, Agent, was available for questions. Ms. Dodd explained that the applicant has applied for an administrative permit for processing cannabis and for a business license for retail. She stated the purpose of the rezone was to make the zoning consistent with surround parcels.

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

Commissioner Wiedemann asked about the use for a cannabis re-sale, or manufacturing.

Mr. Vandewater explained that the administrative permit was approved for retail and the business license was still under review by the building division. He stated that manufacturing was not proposed at this time.

Commissioner Wiedemann asked how manufacturing could be approved.

Mr. Vandewater noted that if the applicant requested to manufacture on the site, it would require a use permit before the Planning Commission or the Zoning Administrator.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Warner and carried by the following roll call vote (5-0), IT IS ORDERED, that the Planning Commission recommends that the Board of Supervisors grant the requested rezone as shown in Exhibit "A", attached to the Resolution.

AYES: Wiedemann, Pernell, Warner, Holtkamp, Ogle

NOES: None  
ABSENT: Jacobszoon, Nelson

**7. Matters from Staff.**

Ms. Acker noted that Use Permit, U\_2017-0034, which had been approved on May 16, 2019, located in the Coastal Zone in the Albion area, was appealed to the California Coastal Commission on June 20, 2019. She noted the appeal would be heard the week of August 7-9, 2019. She also discussed the August 18, 2019 Planning Commission meeting and noted three lengthy matters that would be on the agenda: an Accessory Dwelling Unit Ordinance within the Coastal Zone, a Cannabis Cultivation and Facilities Ordinance for the Coastal Zone, and the Board of Supervisors AD HOC cannabis changes, as well as a Minor Subdivision.

**8. Matters from Commission.**

Commissioner Pernell stated she will be absent at the July 18, 2019 meeting.

**9. Approval of Minutes.**

**9a. December 6, 2018 minutes**

Approval of the December 6, 2018 Planning Commission Minutes.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Wiedemann and carried voice vote (4-0), IT IS ORDERED that the December 6, 2018 Planning Commission minutes have been approved.

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

**9b. May 16, 2019 minutes**

Approval of the May 16, 2019 Planning Commission Minutes.

The Commissioners requested corrections to the minutes.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Wiedemann and carried by a voice vote (4-0), IT IS ORDERED that the May 16, 2019 Planning Commission minutes are continued, to the July 18, 2019 meeting.

**10. Adjournment.**

Upon motion by Commissioner Holtkamp seconded by Commissioner Wiedemann and carried by a voice vote of (4-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:05 pm.