



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: JUNE 4, 2020

TO: PLANNING COMMISSION

FROM: MARK CLISER, PLANNER I

SUBJECT: USE PERMIT #U_2019-0011 UPDATE FOR SPECIAL JUNE 4, 2020 HEARING

At the Planning Commission public hearing held on May 21, 2020, all relevant testimony and evidence was presented orally and/or in writing and was heard and received regarding the Negative Declaration and the Project. Existing physical conditions of the project site and its surroundings were considered and the Planning Commission continued the Project to their June 4, 2020 meeting, directing Staff to prepare an alternate resolution for denial.

Should the Planning Commission wish to deny the requested project based upon inconsistency with the Mendocino County Guidelines for the Development of Wireless Communication Facilities and/or the Mendocino County General Plan, staff has prepared an alternate resolution for denial which is attached to this memorandum as Attachment A.

Attachments:

- A. U_2019-0011 Planning Commission Alternate Resolution for Denial

Resolution Number _____

County of Mendocino
Ukiah, California

JUNE 4, 2020

U_2019-0011 - AT&T MOBILITY

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, DENYING A MAJOR USE
PERMIT APPLICATION FOR A 143 FT TALL WIRELESS
COMMUNICATION FACILITY

WHEREAS, the applicant, AT&T Mobility, filed an application for a major use permit with the Mendocino County Department of Planning and Building Services to construct a 143-foot tall lattice wireless communication tower and associated equipment, 5.1± miles southeast of City of Willits center, lying on the east side of Manzanita Drive (CR 304C), 0.5± miles east of its intersection with Ridgewood Road (304A) located at 20201 Manzanita Dr., Willits (APN: 105-090-01); General Plan Remote Residential (RMR20); Zoning Upland Residential (UR:20); Supervisorial District 3; (the "Project"); and

WHEREAS, pursuant to Public Resources Code section 21080(b)(5), the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") does not apply to projects which a public agency rejects or disapproves and CEQA Guidelines section 15270 provides that the projects which are disapproved are Statutorily Exempt from CEQA. However, an Initial Study and Negative Declaration was prepared for the Project and noticed and made available for agency and public review on April 29, 2020 in accordance with CEQA and the State and County CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on May 21, 2020, at which time all relevant testimony and evidence presented orally or in writing was heard and received regarding the Negative Declaration and the Project, and existing physical conditions of the project site and its surroundings were considered and, unable to support the Project, continued said Project to June 4, 2020, and directed Staff to prepare an alternate resolution for denial, and

WHEREAS, in accordance with applicable provisions of law, on June 4, 2020, the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and closed the continued public hearing. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission denies the application for a use permit based on following findings:

1. **Use Permit Findings:** The project does not fulfill the following Use Permit finding:
 - a. Mendocino County Code Section 20.196.020(C). Contrary to this requirement, the proposed use would be considered detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

Adopted August 4, 2015, Mendocino County's Wireless Guidelines (hereafter referred to as "Guidelines") states, "wireless communications facilities shall be sited and designed to minimize adverse impacts on communities, neighborhoods, vistas, and natural resources"

and are to be designed to "protect and promote... the aesthetic quality of the county." In addition, Section C of the Guidelines provides standards to help achieve the purpose and intent of the Guidelines and specifically states in section C(1)(a) that "highly visible sites and sites within or near residential areas or schools are least preferred..." and in section C(2)(b) states that "communications facilities should result in a minimal visual impact for those residents in the immediate area and for those in the larger community who view these facilities from a distance."

Mendocino County's General Plan Development Element Community Character Policy DE-85 states, "viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings." Development Element Policy DE-205 seeks "to reduce the impacts of above-ground utilities" including "ensuring that above-ground utilities are located and designed to minimize visual impact and clutter." Additionally, Willits Community Specific Policy number CP-W-8 in the General Plan aims to "minimize the visibility of parking areas, utilities and similar improvements."

Given the proximity (580± feet) of the proposed project to the more densely populated residential neighborhood, and the elevation drawings submitted by the applicant which depict a tower looming over adjacent trees, a 143 foot lattice type wireless communications facility would dominate the surrounding tree line and is out of character with the established surroundings. Additionally, the proposed project would be partially visible to surrounding properties, as the topography of the site is similar to a donut, with the tower nearly directly in line with the height of surrounding residential parcels. Given these aesthetic and topographic concerns, the proposed tower is out of character with the surrounding neighborhood and its rural setting, and conflicts with the above stated Policies and Guidelines. As such, the project would pose a detriment to the peace, comfort, and general welfare of persons residing in the neighborhood.

BE IT FURTHER RESOLVED that the denial of the Project is Statutorily Exempt pursuant to CEQA Guidelines section 15270, which states that CEQA does not apply to projects which an agency disapproves.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the requested major use permit without prejudice.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission
