



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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## MEMORANDUM

DATE: SEPTEMBER 22, 2020

TO: HONORABLE BOARD OF SUPERVISORS

FROM: MARK CLISER, PLANNER II, PLANNING AND BUILDING SERVICES

SUBJECT: APPEAL OF USE PERMIT U\_2019-0011 REGARDING PLANNING COMMISSION  
APPROVAL

On June 12, 2020, Neighbors and Friends of Pine Mountain filed an appeal of the approved Use Permit 2019-0011. The approved permit allows for construction and operation of a wireless communication facility consisting of a 143 ft. tall lattice tower with 12 antennae, various appurtenant equipment, ground equipment, generator, and equipment cabinet. Associated improvements include a gravel and paved access route to site. The proposed lattice tower will be located within a 1,800 sq. ft. fenced compound. The project site is located 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 (CR 304A) located at 20201 Manzanita Dr., Willits (APN: 105-090-01).

### **CHRONOLOGY AND PLANNING COMMISSION ACTIONS**

The subject permit was submitted on July 3, 2019 and deemed complete on August 29, 2019. A site visit was conducted on October 8, 2019. The project was scheduled for hearing on February 20, 2020 but, due to noticing errors and the start of COVID-19 with associated health orders, the project did not move forward to hearing until the ability to hold virtual meetings was possible. At the time that COVID-19 started, a tolling agreement was signed, extending the Permit Streamlining Act deadline to June 17, 2020, and the hearing was rescheduled for May 21, 2020.

The project was heard by the Planning Commission on May 21, 2020, where staff presented the project with a recommendation for approval with conditions. Commissioner Nelson recused himself from the hearing due to a conflict of interest. Commissioner Holtkamp expressed concern regarding the inability to conduct the meeting in person, thereby allowing the public to fully participate. When it was explained in-person hearings were not viable due to the health orders, Commissioner Holtkamp explained that she would "just vote no" on the project. Due, in part, to an overwhelming number of public comments against the project, the Planning Commission voted to continue the project to a date certain (June 4, 2020) and directed staff to prepare a resolution for denial with specific direction to include an inability to make the required finding in Mendocino County Code Section 20.196.020(c), which reads:

*That such use will not, under the circumstances of that particular case, constitute a nuisance or be 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The project was again heard by the Planning Commission on June 4, 2020. Commissioner Nelson recused himself and Commissioner Holtkamp recused herself due to her comments at the May 21<sup>st</sup> hearing. Commissioner Wiedemann was absent. The quorum of 4 Commissioners had 2 options:

**Option 1:** Approve the project, with changes made at the May 21<sup>st</sup> hearing to the resolution for approval

**Option 2:** Deny the project

Failure for all four Commissioners to vote unanimously on either option would constitute “no action”, automatically deeming the project approved due to the expiration date of the tolling agreement and the Permit Streamlining Act.

Following presentation by staff, applicant statements, public comments, and Commission discussion, Commissioner Perkins made a motion to approve the project with changes made to the resolution at the May 21<sup>st</sup> hearing. The motion failed, with Commissioner Pernell dissenting. After some discussion regarding a deemed approved project due to the resulting “no action”, Commissioner Pernell made an alternate motion, seconded by Commissioner Jacobszoon, to reconsider the original motion for approval made by Commissioner Perkins. The Planning Commission voted unanimously to reconsider. Commissioner Perkins again made a motion to approve the project with changes made to the resolution at the May 21<sup>st</sup> hearing and the Planning Commission voted unanimously to approve Use Permit U\_2019-0011.

**ATTACHMENTS:**

- A. Appeal Form
- B. Staff Report
- C. Resolution of the Planning Commission (PC\_2020-0007)
- D. Initial Study
- E. Memorandum to Planning Commission, March 19, 2020
- F. Existing Coverage, Revised
- G. Proposed Coverage, Revised
- H. Memorandum to Planning Commission, April 16, 2020
- I. Coverage Map Area Analysis
- J. Memorandum and Denial Resolution to Planning Commission, June 4, 2020
- K. Planning Commission Minutes, June 4, 2020
- L. Planning Commission Public Comments