

6a) Discussion and Possible Action Regarding the Composition of the Mendocino County Planning Commission (Sponsors: Supervisor Williams and Supervisor Haschak)

Recommended Action:

Direct County Counsel to prepare amendment reducing Mendocino County Planning Commission to one seat per Supervisorial District.

Esteemed Supervisors,

Having attended several planning commission public hearings in regards to wireless communication facilities since May of 2019 I appreciate that you are considering coming up with a change to make the planning commission a more "streamlined" commission.

I am not certain if reducing the membership to 5 commissioners representing the 5 Districts and no longer having the 2 representatives of the agriculture and timber industry will help the commission to be more "streamlined." I do however feel that with a third of the projects being projects related to wireless communications facilities none of the representatives should have a conflict of interest in this field. Mr. Nelson (agricultural representative) made comments about wireless communications facilities before identifying his conflict and recusing himself from the discussion (not consistent with the bylaws). If the Supervisors vote to no longer have representatives of the timber and agriculture industry that would help with this situation. If not, it seems that another representative should represent the agriculture industry that does not have these conflicts of interest.

Reading the public comments by community members who feel strongly that they are needed in Mendocino County I also do not feel that I have a similar view.

I do agree that there is room for improvement as far as the Planning Commission is concerned. I believe issues relating to them are closely related to issues relating to the Building and Planning Services Department.

Having a Building and Planning Services Director that is in charge for many years would help. Brent Schultz resigned after a short stint.

It seems that there is a lot of turnover also among the staff. Not all staff members are experienced planners. Many rely on false and sloppy work from the telecom industry. Maybe the county's planners are paid less than other planners in other counties. Having to deal with the so far failed cannabis program puts an extra strain on the department. It did not work for the agriculture department and now the Building and Planning Services Department is stuck with it.

Some problems are possibly related to a lack of staff/lack of money.

Maybe the interim director Nash Gonzalez can do magic. As he is only the interim director what are the plans and what is the timeline for a new director?

I think we all agree that dealing with Covid has not helped to make things easier. Staff has worked from home, or was not working. Some staff had to at times deal with Covid related tasks (Julia Acker, Adrienne Thompson, Hash Gonzalez,...).

Planning Commission hearings had to be canceled as announcements were sent to wrong addresses, wrong newspapers, or not enough residents were notified. Hearings were canceled as there was no quorum.

According to the Mendocino County Code Section 2.48.020

Powers of Planning Commission the Commission shall hold at least one (1) regular meeting each month which has not happened lately. This might also help with "streamlining."

A hearing was held even when a commissioner mentioned ahead of time that they would be absent. At the same hearing a commissioner was not allowed to vote and being accused of being biased at the previous hearing which was deemed not a valid ground by a local lawyer. At the previous hearing all 6 commissioners present voted against the permit. 2 weeks later when the alternative resolution was ready to vote against the project three of the four commissioner changed their minds. It does seem that there are certain forces (telecom industry asking their staff to write letters in favor of their proposals; county Supervisor's Facebook pages asking members to write letters in favor of a project; the Broadband Alliance of Mendocino County supporting proposals) that put pressure on commissioners to vote in favor of the telecom companies projects even when the majority of the community is against a certain project.

At the same hearing a commissioner who was not in favor of this project had to vote in favor of it as only 4 commissioners were present and according to the bylaws all commissioners needed to vote the same way in order to retain the special conditions and allow the public to appeal the decision to the Supervisors.

Paying over \$1,600 to appeal a decision by the planning commission is not possible for all community members.

Since April 16, 2020 these public hearings became virtual hearings which diminished the chances of the public to weigh in and gave the telecom industry a chance to speak as long as they wanted and answer questions while the public's input was reduced to 3 minutes for each person. Not all members have consistent internet access especially during Covid and even the communication by phone sometimes did not work due to technical issues at the county.

Many community members have informed the Planning Commission as well as the Supervisors to place a moratorium on dealing with wireless communication facilities projects until the hearings could be held on site. According to the CEO this was going to be a possibility as of January of 2021. When will this be possible?

Twice the agenda included wrong names for the properties related to the projects and community members had to bring this to the attention of the staff.

Certain public comments were not put online or only after a special request and some had to be sent several times before being placed online. Some were placed several times and some were placed under the wrong topics.

We had with commissioners Madelin Holtkamp & Marilyn Ogle who both served 12 years two members who have acquired a lot of knowledge. Since July we had no commissioner for the 4th. District. When will that be possible? I see that you will vote to confirm Maureen Mulheren's choice for commissioner today. With his legal background and experience in Land

Use and Water Law Mr. Clifford Paulin, 1st. District representative might help the commission to be more "streamlined". When will we have a representative for the 2nd. District?

Marilyn Ogle helped write the County's Guidelines for the Development of Wireless Communication Facilities which were adopted in August of 2015.

It is crucial that they will be updated as community members requested and Marilyn Ogle agreed.

The thermal-based radio frequency radiation (RFR) regulations in the Federal Communications Commission (FCC) Order from 1996 are grossly deficient, are based on false assumptions and do not recognize how biological systems respond to non thermal radio-frequency radiation. The public is being exposed to huge amounts of radio-frequency radiation at levels far exceeding the limits deemed to be safe by a significant body of international peer-reviewed scientific studies. The FCC Order is profoundly out of touch with the reality that harmful 4G/5G and in the near future, 6G installations are accelerating and densifying each day throughout the United States. The Order also does not appear to reflect any consideration of health and environmental justice as a civil and basic human right, nor does it consider the crushing economic burden the Order is placing on these most vulnerable populations. Over 90% of home buyers and renters are less interested in properties near cell towers and would pay up to 20% less for a property in close vicinity to cellular antennas. The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances. Once built, cell towers can go up an additional 20 feet- without community consent.

An issue that the Supervisors and the Planning Commission should be willing to discuss with the public is First Net, a nationwide roll out that is federal tax payer funded. All the towers approved since 10-20-2020 will include First Net. (The services would include military applications, 5G, and Internet of Things (IoT). It is the military's new deadly toy implemented under the guise of "necessary for emergency services." That way the public would willingly accept 24/7 surveillance, have every move including meta and granular data tracked, harvested and sold, be experimented on, and become actual targets of the latest high powered, low latency, weaponized communications systems. This would not be in accordance with the county's wireless guidelines that mention health, safety, comfort & general welfare and would have a significant impact.

Considering these health concerns it would be nice if Mendocino County would have a Health Committee that would be willing to investigate these issues further as other communities are doing.

At the last planning commission hearing one of the commissioners asked if a workshop could be held that would address issues of wireless technology and 5G. I also suggested that to Mr. Schultz and chief planner Julia Acker-Krog in May of 2019.

Another commissioner asked for the maps that show where all these current and planned towers are. They need to be available for the commissioners and the public as mentioned in the wireless guidelines.

BY-LAWS OF THE MENDOCINO COUNTY PLANNING COMMISSION

<https://www.mendocinocounty.org/home/showpublisheddocument?id=4892>

Sincerely, Annemarie Weibel

1-26-2021