

**pbscommissions - UM\_2020-0004 SETBACKS**

**From:** Marcia <mountainmarcie@mcn.org>  
**To:** pbscommissions <pbscommissions@mendocinocounty.org>  
**Date:** 3/2/2021 12:00 PM  
**Subject:** UM\_2020-0004 SETBACKS  
**Cc:** <pbs@mendocinocounty.org>

Mendocino County

MAR 03 2021

Planning &amp; Building Services

March 2, 2021

Public comment UM\_2020-0004 (Crown Castle)  
 PLEASE MAKE THIS EMAIL A PART OF THE PACKAGE FOR THE HEARING OF 3-18-2021

I sent a public comment to you on 10/8/09 for the public hearing on 10-15-2009 (Use Permit U 3-2009). You received and stamped my comments on 10-13-2009.

10/15/2009

Re: Cell Phone Tower, Case U 3-2009

Dear Planning Commissioners:

I am writing to ask you to deny the request to raise the height of the cell phone tower on Spyrock Road.

I am the property owner who owns the land around the cell phone tower on all sides. They own a small piece of land inside of my land. First, they bought their land from the person from Cloverdale, and then I bought the land around it. I live on the parcel below, and the new parcel controls my water.

In the staff report of the Planning Department, they say there must be a setback on ALL sides of 71.5 feet. To the border of the property, on the south they only have 40 feet, to the west 50 feet, to the north 70 feet, and to the east 75 feet. Therefore this height expansion would be ILLEGAL.

I am unwilling to give them even one inch. In the staff report, they hope that the property owner (me) would allow them to build on another location on my property. The answer is NO. I tried for weeks to contact these people after the notice appeared in the newspaper, and no one ever returned my call.

This is not an appropriate place for a cell phone tower. It is very close to Spyrock School. There are many locations that would welcome a cell phone tower, and I do not believe they have EVER tried. In the last hearing (10-20-2005), they admitted they had not. This is one of the RULES of the Planning Commission for cell phone towers.

Thank you,

Marcia Miller  
P O Box 1590  
Laytonville, CA. 95454  
Telephone: [707-354-1308](tel:707-354-1308)  
Email: [mountainmarcie@mcn.org](mailto:mountainmarcie@mcn.org)

3/2/21

Based on the minutes from the 10-15-2009 public hearing Mr Duley (planner at the Mendocino County Planning and Building Services Department) commented that the maximum height of the tower to meet the setbacks would be 37 ft. at the current location. At the same hearing Commissioner Nelson commented that he would be more comfortable with a tower that did not violate the setback requirements.

Ever since Contel first bought the property in 1995 telecom companies tried to raise the height of the monopole. Based on the information about Related Applications On-Site from 10-15-2009 it becomes clear that at the 5-6-1999 hearing U 26-98 for a Use Permit GTE Wireless (now Verizon Wireless) submitted Phase 1 and 2 suggesting a 20 ft. wooden monopole that would be replaced with a 75 ft. monopole in phase 2. Due to overwhelming local opposition (59 letters, all in opposition to the project) Phase 2 was denied. Among other concerns the community asked GTE Wireless to look for an alternative site that is not so heavily populated or in close proximity to a school (Spy Rock Elementary School 1, 600 ft. from the tower). They have never looked for another site.

But already on 10-15-2009 a 50ft. tall monopole was approved.  
THIS NEW HEIGHT INCREASE WAS ILLEGAL. Please reference RESOLUTION NO. 15-121.  
RESOLUTION OF THE Mendocino County BOARD OF SUPERVISORS ADOPTING  
GUIDELINES FOR THE DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES.

On page 6 under C.STANDARDS (m) it is indicated 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.

I want to bring to your attention that THE NEAREST RESIDENCE is 150 ft. away.

On page 6 under C. STANDARDS (m, ii) it is listed that tower setbacks may be reduced if all of the owners of the affected properties agree to the reduced setback. NO ONE SO FAR HAS AGREED.

On 2-18-2021 three Commissioners were opposed to an additional height increase from 50ft. to 70 ft. along with other problems in regards to UM\_2020-0004 and directed Mendocino County Planning and Building Services Department staff to formulate an alternate solution for denial of the project.

THIS HEIGHT INCREASE WAS ILLEGAL IN 2009 AND TO MAKE IT EVEN HIGHER BY 20 ft. NOW IS CRIMINAL, ESPECIALLY CONSIDERING HOW CLOSE TO THE SPYROCK SCHOOL AND THE NEAREST RESIDENCE IT IS. PLEASE LISTEN TO THE PEOPLE IT WILL AFFECT.

Sincerely,  
Marcia Miller

I own the land around the cell phone tower on all sides.

Several community members, including Tim Henry, heard the Commission say clearly at two public hearings that this tower height would not be raised again.