

ATTACHMENT B

Resolution Number _____

County of Mendocino
Ukiah, California

MARCH 18, 2021

UM_2020-0004 – CROWN CASTLE

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, DENYING A USE PERMIT MODIFICATION APPLICATION FOR A 20 FOOT HEIGHT EXTENSION ON AN EXISTING WIRELESS COMMUNICATION FACILITY

WHEREAS, the applicant, Crown Castle, filed an application for a use permit modification with the Mendocino County Department of Planning and Building Services to extend the height of an existing “monopine” (monopole designed to resemble a pine tree) from 50 feet to 70 feet, 9± miles northeast of Laytonville, lying on the north side of Spyrock Road (CR 323), 4.4± miles northeast of its intersection with Highway 101, located at 3750 Spyrock Road, Laytonville; APN: 056-310-18; 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 Subsequent Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review in accordance with CEQA and the State and County CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on February 18, 2021, at which time all relevant testimony and evidence presented orally or in writing was heard and received regarding the Subsequent Mitigated Negative Declaration and the Project, closed the public hearing, and existing physical conditions of the project site and its surroundings were considered and continued said Project to March 18, 2021, and directed Staff to prepare an alternate resolution for denial, and

WHEREAS, in accordance with applicable provisions of law, on March 18, 2021, the Planning Commission deliberated 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 modification 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

ATTACHMENT B

and specifically states in section C(2)(a) that “communication facilities shall be located and designed to minimize visibility and to be visually compatible with their surroundings” 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.”

The existing tower is located at the top of a hillside at an elevation of 3,382± feet above sea level. Spyrock Road meanders adjacent to the tower site at various elevations. Immediately to the south of the tower and along Spyrock Road, the existing tower is readily visible to automobile traffic at certain locations, as tree coverage between the road and the tower location is sparse. Any additional height to the tower could only be expected to exacerbate any existing visual issues by potentially making the tower more prominent. Even with improved camouflage the increase in the tower height will cause a larger visual impact that what exists at the site today.

In addition to concerns regarding the increase in visual impact, the proposed height increase to the existing tower is not compatible with neighboring uses, which are largely residential and there is also an existing school nearby. Concerns have been expressed since the initial construction of the tower regarding compatibility with existing uses and the proposed height increase to the existing tower will further exacerbate any existing incompatibility with neighboring uses.

Given these aesthetic concerns and the incompatibility of the increased height with neighboring uses, the proposed height increase to the existing tower 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 and is detrimental or injurious to property and improvements 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 use permit modification 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: IGNACIO GONZALEZ
Interim Director

ALISON PERNELL, Chair
Mendocino County Planning Commission

ATTACHMENT B
