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**To:** <pbscommissions@mendocinocounty.org>, <pbs@mendocinocounty.org>  
**Date:** 4/15/2021 6:27 AM  
**Subject:** Public comment non agenda item to Planning & Building Services and Planning Commissioners,

To Planning & Building Services staff and Planning Commissioners,

Since May 16, 2019 I have attended Planning Commission public hearings relating to wireless communication facilities and shared my observations with you.

That day close to 50 people submitted a petition against a tower in Manchester on AT&T land that was not followed up on. Another tower in Potter Valley was temporarily dropped due to setback issue, but was adopted on July 3 even though the setbacks were not in accordance with the Wireless Guidelines and the agent refused to lower the tower. I appealed the tower on Navarro Ridge Road in Albion to the Coastal Commission that did not find substantive reasons to deny it, but AT&T installed 50 poles in the Coastal Zone without permits to use to power the site without informing the County.

I followed closely the hearings about the Pine Mountain tower in Willits and the appeal. A majority of the neighbors did not want the tower, while AT&T encouraged their staff to write letters in support of the tower. All commissioners were against the tower, but when the new wording for the resolution was proposed it turned out that one commissioner had to excuse himself due to a conflict of interest, another was asked to excuse herself as County Council felt that she was biased at the previous hearing. A lawyer, the friends and neighbors of Pine Mountain hired indicated that was not the case. One commissioner due to medical reasons announced 4 months earlier that she was not able to attend a hearing on that day. According to the bylaws the way they currently are (unless they get changed) all 4 Commissioners needed to vote the same way in order for the public to be able to appeal and for the special conditions to remain.

With the Spyrock tower in Laytonville the majority of the neighbors since 1995 did not want this tower. It just showed up without permits or anyone knowing about it on a property the size of a third of an acre in a zone where all properties had to be 20 acres or more. For example in 1998 the 15 ft. tower was approved to increase by 30 ft. and none of the local people knew about the hearing. The newspaper announcement was sent to the Willits News instead of the Laytonville News. Similarly in December of 2020 the Willits News got notified instead of the Laytonville News, notices to local people were sent to Point Arena and the notice to the Spyrock School never happened even though the school is within 1,400 ft. to 1,6000 ft of the tower and now with increased height in direct view of the tower. Children are especially vulnerable. This is a crime.

With the Potter Valley, Spyrock, and Pine Mountain communities the initial votes by Commissioners were against a tower, or raising the height of the tower and in support of the majority of the close neighbors until it came to a second vote after the rewording of the resolution.

Mendocino County

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Planning & Building Services

The Board of Supervisors decided to no longer have special interest groups represented on the Planning Commission, but were interested in finding alternates. That idea got nixed. At the hearing for the Spyrock tower there were not enough Commissioners present to vote, and therefore the public never got to talk and also could not appeal the project and the raising of the tower. The public was told that the time had run out and the owner/applicant were not willing to waive the timeline when it became clear that there was not a quorum. Why does the public has to suffer when planners do not pay attention to these important details and loose precious time? Even though the setback is less than required according to the Wireless Guidelines this tower will still be built according to the wishes of the owner/applicant at the proposed height. Also the fact, that the planner responsible for analyzing this tower is a school friend of the applicant does not help the image that the Planning & Building Services portray. This is a conflict of interest.

Public Record Requests took 6 weeks one time for the Spyrock tower and 1 month for another request, and the requester needed to remind the County employee to send them.

Community members realize that Covid did not make things easier and asked to have a moratorium for hearings about towers instead of virtual hearings, but that did not happen. Fort Bragg as of May 10 will have meetings and hearings at Town Hall again. The CEO when asked when non virtual hearings will be possible again indicated that this would happen this past January.

Community members also realize that having a change with directors and placing the cannabis oversight with Planning and Building Services can slow down the process.

It seems to me that we voted for the Supervisors to represent us and they choose the Planning Commissioners to represent us. What we have observed is that the planners and staff at the Planning and Building Services represent the corporations that want more money and power as long as the Federal Communication Commission (FCC) will insist that there are no health problems related to them.

The Mendocino County Code Section 20.196.020(c) describes the protection "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." In the case with the towers on Pine Mountain and on Spyrock the close neighbors felt strongly that what was adopted constitutes a nuisance/is 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 is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county."

Community members and Commissioners asked for updated Wireless Guidelines, for a workshop about 5G, and for rewriting the bylaws. When will this happen?

Contemplating these projects and how they were dealt with I walk away feeling that this process is very undemocratic.

Sincerely, Annemarie Weibel

4-15-2021

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