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**PLANNING COMMISSION  
STAFF REPORT- MAJOR USE PERMIT**

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**JULY 16, 2015  
#U 2014-0012**

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**OWNER:** RICHARD VARIAN & KATHLEEN JACOBS-VARIAN  
24710 REYNOLDS HIGHWAY  
WILLITS, CA 95490

**APPLICANT:** CELLCO PARTNERSHIP, DBA VERIZON WIRELESS  
2785 MITCHELL DRIVE  
SAN RAMON, CA 94598

**AGENT:** PAMELA NOBEL  
NSA WIRELESS, INC.  
2010 CROW CANYON PLACE, SUITE 355  
SAN RAMON, CA 94583

**PROJECT COORDINATOR:** **DUSTY DULEY**

**REQUEST:** Use Permit to authorize construction and operation of a wireless communication facility consisting of an 85 foot tall "monopine", monopole designed to resemble a pine tree, 9 panel antennas, auxiliary equipment as well as ground based equipment including a 30 kilowatt diesel generator with 132 gallon fuel storage tank and a 195 square foot equipment shelter.

**DATE DEEMED COMPLETE:** 3/21/2015

**RECOMMENDATION:** Approve the request with recommended Conditions of Approval.

**LOCATION:** 3.25± miles northeast of Willits, lying on the north side of Reynolds Highway (CR 310), 2± miles southeast of its intersection with Highway 101, located at 24710 Reynolds Highway; APN 037-221-35.

**TOTAL ACREAGE:** 1,600 square foot leased area within a 120± acres "host" parcel

**GENERAL PLAN:** Agriculture (AG40)

**ZONING:** Agriculture (AG 40) + Flood Plain (FP) + Ag Preserve

**SUPERVISORY DISTRICT:** 3

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**BACKGROUND:** The Telecommunications Act of 1996 was signed into law on February 8, 1996. This act preserves the authority of a State or local governments over decisions regarding the placement, construction, and modifications of personal wireless services, subject to limitations. Section 704(7)(B)(iii) requires that any denial *shall be in writing and supported by substantial evidence contained in a written record.* Section 704(7)(B)(iv) prohibits denial on the basis of radio frequency emissions if those emissions are below the standards as determined by the Federal Communications Commission (FCC).

On November 15, 2001, the Mendocino County Planning Commission adopted *Guidelines for the Development of Wireless Communication Facilities* (Wireless Guidelines) to regulate wireless communication facilities. By adopting this resolution, the Planning Commission acted to maintain the County's authority over decisions regarding development, operation, and maintenance of wireless facilities.

The proposed project has been evaluated for compliance with the County General Plan, Inland Zoning Code and the Wireless Guidelines.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a new wireless communication facility (WCF) including an 85 foot tall "monopine", a monopole designed to resemble a pine tree, with nine panel antennas of 8 feet in length to be centered at the 76 foot level on the monopole as shown on the applicant's elevation plan (attached). The WCF will be located in an open field on the side of hill. A 195 square foot equipment shelter and 30 kilowatt diesel generator with fuel tank will be installed within the lease area to support the facility (Equipment Plan attached). Access will be provided by a new 200 foot long and 16 foot driveway off Reynolds Highway (CR 310).

The wireless communication facility will be an unmanned facility that will operate 24 hours a day, 7 days a week and will be secured with a 6 foot high chain link fence around the perimeter. Maps showing anticipated cellular coverage from the proposed facility are attached.

**RELATED APPLICATIONS:** None

**PROJECT SETTING**

**SITE CHARACTERISTICS:** The facility will be located within a 1,600 square foot leased area within an approximately 120 acres property. The project area is located on a grassy, sloping hillside with scattered oak trees. Existing uses on the property include a single-family residence and numerous accessory buildings. The property is also used to support the raising of sheep and is in an agricultural preserve under the Williamson Act.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	AG	AG 40	1± - 129± acres	Residential
<b>EAST</b>	RL	RL 160	50± acres	Agriculture
<b>SOUTH</b>	AG	AG 40	47± - 83± acres	Agriculture
<b>WEST</b>	AG	AG 40	80± acres	Agriculture

**SERVICES:**

Access: New private driveway extending from Reynolds Highway (CR# 310)  
 Fire District: CalFire  
 Water District: None  
 Sewer District: None  
 School District: Willits Unified School District

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Initial Study and Key Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

<b>REFERRAL AGENCIES</b>	<b>NOT RETURNED</b>	<b>"NO COMMENT"</b>	<b>COMMENTS</b>
Department of Transportation			X
Environmental Health-Ukiah			X
Building Services-Ukiah PBS			X
Assessor	X		

Willits Unified School District	X		
Air Quality Management District	X		
Caltrans – Division of Aeronautics	X		
FAA	X		
FCC	X		
City of Willits	X		
Department of Fish & Wildlife	X		
PUC	X		
County Archaeological Commission			X
CalFire			X
Sonoma State University			X
Agriculture Commissioner		X	
Little Lake Fire District			X

**KEY ISSUES:**

**Key Issue #1 General Plan and Zoning Consistency:** The project is consistent with its General Plan designation of Agricultural Lands (AG). The Land Use Section Policy DE-16 of the General Plan states the intent of the Agricultural Lands designation.

*The Agricultural Lands classification is intended to be applied to lands which are suited for and are appropriately retained for production of crops. The classification should include lands presently under Type I agricultural preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Permitted non-agricultural uses, to the greatest extent possible, should not occur on lands that might otherwise be devoted to crop production. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.*

The land use classification for the parcel is Agriculture (A-G). A wireless communication facility is categorized under the Major Impact Services and Utilities Civic Use Type. Within the A-G classification, Major Impact Services and Utilities are a conditional use, subject to approval of a major use permit. County Inland Zoning Code Section 20.052.005 states the intent of the A-G zoning district.

*This district is intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the A-G District would be applied to lands subject to Type I Agricultural Preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which noncompatible uses could jeopardize the agricultural use of surrounding lands.*

As noted in the Initial Study (attached), the facility will be located within grasslands on a sloping hillside. No trees will be removed to accommodate the project. Based on the minimal amount of land, approximately 1,600 square foot lease area and a 200 foot long and 16 foot wide road, needed to support the project, staff determined that the project will not significantly affect the properties ability to support the production of crops or conflict with the intent of the AG classification or A-G zoning district.

The approximate 120 acres property is currently in an Agricultural Preserve Contract under the Williamson Act based on its use for raising sheep. Mendocino County Code Section 22.08.060(F) states,

*Notwithstanding any other determination of compatible use under this section, unless the County makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are compatible uses within any agricultural preserve and shall not be excluded by reason of that use.*

The County Agricultural Commissioner reviewed the project and did not find issue. Based on the minimal amount of land being converted to support the proposed WCF, the project will not conflict with the agricultural use on the property or the Williamson Act.

**Key Issue #2 Aesthetics:** Aesthetics is typically a concern associated with this type of use because of the substantial height of structures used to support communication antennas. The County Wireless Guidelines aim to minimize aesthetic or visual impacts from wireless telecommunication facilities by having them located or designed so as to be visually unobtrusive. The visibility of a facility is a function of its height, design, and its exposure to neighbors and the general public.

A visual simulation was conducted by flying a red weather balloon to simulate the height of the proposed 85 foot tall "monopine". Staff was present and observed the test. Photo-simulations based on the visual test are included with this report and are concluded to be a reasonable representation of the visual impacts

Staff determined that the "monopine" will be highly visible when traveling along Reynolds Highway (CR 310) for a distance of approximately 0.75 mile. A varying portion of the monopine, depending on vantage point, will be visible when travelling further south on Reynolds Highway for another 0.75 mile. The majority of the monopine will also be visible intermittently between trees and patches of bushes when traveling along Hearst-Willits Road; however views are at a distance of approximately 1.6 to 1.7 miles away

As mentioned previously, the applicant is proposing to install a "monopine" rather than a typical monopole or lattice tower to help stealth the WCF and minimize aesthetic impacts. The artificial tree design has been used for other WCF in Mendocino County, with differing degrees of success. A key factor in monopole stealth design is blending the pole into the natural surroundings. Using a monopine to successfully stealth the facility will be a challenge as the site is almost entirely devoid of trees. Staff is aware of a "monopine" that was constructed within the City of Ukiah, which is also in an open parking lot with few surrounding trees to help blend the facility. The Commission recently approved a WCF with a monopine design on an industrially zoned and developed parcel located approximately one-third of a mile north of the City of Ukiah city. Although each project is unique, this project was similar to this proposal as the immediate area surrounding the project location was devoid of any tall trees to help blend the "monopine" with. Upon reviewing photo-simulations and recognizing that recent "monopine" designs have become far more effective as deceiving the viewer of their true nature, staff has determined that the applicant is capable of installing a stealth facility that is successful at minimizing potential aesthetic impacts to a less than significant level. An increase in height or attaching antennas that extend further than the proposed project would likely affect the concealment elements of the WCF and would require further environmental review.

If the "monopine" design is successful in blending the WCF in with the surrounding area so as to be visibly unnoticeable, staff would find that the project does not substantially degrade the existing visual character or quality of the site and its surroundings provided the project incorporates mitigation measures discussed below.

The following project conditions are recommended to minimize potential aesthetic impacts to a less than significant level under the California Environmental Quality Act (CEQA). Consistent with Item (B)(2)(b) of the Guidelines for the Development of Wireless Communications Facility (Wireless Guidelines), Condition Number 1 requires that all exterior surfaces of structures and equipment associated with the facility, have subdued colors and non-reflective materials selected to blend with their surroundings. Condition Numbers 2 and 3 will further mitigate visual impacts by limiting the facility's height, and to protect/preserve existing vegetation. In the event that use of the facility should cease, Condition Numbers 4 and 5 will require that all portions of the facility above ground level be removed from the site, and the site be restored to a natural condition. Condition Numbers 6, 7 and 8 are offered to ensure the WCF is constructed in a stealth manner to adequately conceal the true intent of the structure.

Staff wants to be clear that Condition Number 2 which limits the tower height, including antennas, to 85 feet AGL is a concealment element of the project that is being used to support the environmental determination to adopt a mitigated negative declaration under CEQA. Any request to increase the height of the facility will be subject to further environmental review and may require additional concealment or stealth measures to mitigate potential aesthetic impacts.

The Commission may determine that additional mitigation is necessary to reduce aesthetic impacts in order support adoption of a mitigated negative declaration for the project. Additional mitigation measures may include limiting the overall height of the WCF. The Commission will need to balance potential visual impacts versus improved communication service.

**Key Issue #3 Cultural Resources:** Minimal earthmoving will be required to support the project with grading limited to developing the 1,600 square foot lease area and constructing an approximate 200 foot long and 16 foot wide access road off Reynolds Highway. An archaeological survey of the property, dated July 15, 2014 and revised on February 2, 2015 was completed by professional archaeologist with EBI Consulting. The County Archaeological Commission reviewed and approved the survey at the March 11, 2015 meeting. An intensive survey was completed for the majority of the property including the project area. No resources were discovered within the project area; however resources were discovered elsewhere on the property. Due to the sensitivity of the information, staff is unable to include the exact location of the found resources. Staff typically recommends at least a 100 buffer between project activities and the resource area. In this case, the found resources are well beyond 100 feet of project activities.

The following conditions are offered to avoid potentially significant impacts to archaeological resources. At the verbal request of the Sherwood Valley Band of Pomo Indians, and as recommended in the survey approved by the Archaeological Commission, Condition Number 12 requires the applicant to have a professional archaeologist on-site during all project related ground disturbing activities. The California Office of Historic Preservation administers the California Historical Resources Information System which maintains a list of qualified archaeologists. Staff further requires that the Sherwood Valley Band of Pomo Indians be contacted well before any ground disturbing activities and provided the opportunity to have a cultural resource monitor on-site.

Condition Number 13 will be required to help ensure that the project will achieve compliance with the County's archaeological ordinance and protection of any archaeological resources that may be discovered on the site.

**Key Issue #4 Wireless Guidelines:** On November 15, 2001, the Planning Commission adopted guidelines for approval and operation of wireless communications facilities (Wireless Guidelines). A review of applicable policy standards follows:

According to Standard B(1)(a) the Wireless Communications Guidelines:

*Communications facilities that can co-locate with an existing facility will generally have highest preference, followed by facilities located on existing structures or buildings, then followed by facilities that can be designed or located so as to be visually unobtrusive ("stealthed"). Highly visible sites and sites within or near residential areas or schools are least preferred and will only be considered when there is compelling evidence that no other less visible alternative exists.*

The applicant is proposing to construct a new WCF. The applicant has provided an Alternative Site Analysis which can be found in the supplementary information provided with the application. Visual simulations are attached. Staff is unaware of any WCF or taller structures in the area that the applicant could co-locate on and meet their coverage objectives. The property is in a fairly rural area of the County with lands primarily used for agricultural purposes with some scattered homes. The nearest off-site residence is approximately 1,500 feet southeast of the proposed WCF.

Standard B(2)(g) of the Wireless Communications Guidelines states,

*New communications facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations.*

The applicant is proposing to construct the WCF on a located within grasslands on a sloping hillside. As shown in the photo simulations provided by the applicant, a varying portion of the "monopine" would be silhouetted against the skyline depending on vantage point. Given the stealth design and at times significant distance away, the general public may well be unaware of the tower. It's also likely that a local user will be more acutely aware of changes to the visual resources versus the tourist who is less sensitive to specific changes in an unfamiliar

environment. The WCF is not in a highly used public location. The WCF will not be visible from the City of Willits where the largest concentrations of people reside in this area.

Condition Numbers 17 through 21 will help to ensure that the project will achieve compliance with the Wireless Guidelines.

**KEY ISSUE #5 CEQA:** Staff has completed an Initial Study for the project and determined that the project could have a significant impact on aesthetics and cultural resources. As discussed in the Initial Study and Key Issues section of the staff report, mitigation measures have been identified to mitigate potentially significant impacts to aesthetics and cultural resources to a less than significant level. The Planning Commission will review the Initial Study at the July 16, 2015 meeting. Public notice will be provided at least 30 days prior to the public hearing as required by CEQA.

**RECOMMENDATION:**

Adopt a Resolution to certify the Mitigated Negative Declaration and approve the request for Use Permit #U 2014-0012 based on the following findings, and subject to the recommended conditions of approval.

**Environmental Findings:** The Planning Commission finds that the environmental impacts identified for the project can be adequately addressed through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration can be certified.

**Use Permit Findings:** The Planning Commission approves Use Permit #U 2014-0012 subject to the conditions of approval recommended by staff and found in Exhibit A of the resolution further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Access to the project site will be provided by new 200 foot long and 16 foot driveway that extends from Reynolds Highway (CR 310). Power is available to support the project. Condition Number 15 will ensure that adequate drainage facilities will be provided. Condition Number 19 requires the private driveway approach onto the county road be improved and maintained to commercial standards as determined by the County Department of Transportation.

2. That the proposed use will not 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.

The nearest off-site residence is located approximately 1,500 feet southeast of the project site. The facility will not be accessed by anyone other than company personnel. Upon completing the Initial Study, staff did not find any impacts from the project that would 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.

3. That such use preserves the integrity of the zoning district.

The A-G zoning district allows for the construction and operation of a wireless communication facility subject to obtaining a major use permit. Based on the small footprint of the project relative, 1,600 square foot lease area and 200 foot long and 16 foot wide new driveway, to the size of the subject property 120± acres, the project is consistent with the intent of and preserves the integrity of the A-G zoning district.

Mitigated Negative Declaration  
Appeal Fee: \$910.00  
Appeal Period: 10 days

**RESOLUTION AND EXHIBIT A**

**ATTACHMENTS:**

- A. Mitigated Negative Declaration
- B. Location Map
- C. Topographic Map
- D. Aerial Photo
- E. Adjacent Property Owners
- F. Zoning Map
- G. Fire Hazard Map
- H. Williamson Act
- I. Equipment Plan
- J. Elevations
- K. Photo Sim Vantage Points
- L. View 1
- M. View 2
- N. View 3
- O. View 4
- P. View 5
- Q. View 6
- R. View 7
- S. Existing Coverage
- T. Proposed Coverage
- U. Example of Monopine
- V. Applicants Proposal- Revised