



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: JUNE 4, 2015
TO: MENDOCINO COUNTY PLANNING COMMISSION
FROM: DUSTY DULEY, PLANNER
SUBJECT: DRAFT WIRELESS GUIDELINES UPDATE

PURPOSE: The purpose of this memo is to update the Commission on staff's revisions to the Guidelines for the Development of Wireless Communication Facilities (wireless guidelines) since the September 18, 2014 Commission meeting.

BACKGROUND: On September 18, 2014, the Commission took public comments and reviewed the draft wireless guidelines prior to directing staff to make several changes to the resolution. A review of staff's changes to the wireless guidelines is provided.

APPLICABILITY: As has been the case since their initial adoption in 2001, the wireless guidelines continue to apply countywide to all "Wireless Communication Facility" (WCF) projects subject to a discretionary permit. Staff continues to work on an ordinance amendment, #OA_2014-0003, to the County Inland Zoning Code to identify an alternative permit process for certain WCF projects provided they meet the accepted standards. Upon adoption of the ordinance as written, the wireless guidelines would then only apply to those WCF projects subject to a Major Use Permit with the exception of "government owned communications facilities used exclusively to protect public health, safety and welfare". It is important to note that until similar revisions are made to the County Coastal Zoning Code, all WCF projects located in the Coastal Zone would continue to be subject to obtaining a Major Use Permit as directed by the Code as well as being subject to the Wireless Guidelines. Staff anticipates that work on amending the Coastal Code, to include language similar to proposed amendments to the Inland Zoning Code, will commence immediately after the Board of Supervisors approval of #OA_2014-0003.

PROPOSED REVISIONS:

1. Section B(13) was modified to clarify that the applicant is responsible for repairing any damage to the shared private road resulting from project construction, to "an equal or better condition" than existed "prior to development of the site". Staff also added language as the end of Section B(13) to clarify that the Department of Planning and Building Services will provide project notice to all property owners that use the shared private road.
2. Section B(16) was modified by deleting "A description of each alternative shall include the following:" and re-ordering section letters which identify individual information items to be submitted by the applicant.

3. Section B(18). The last sentence referencing the County's preference for applications that reserve space for emergency and public service providers was deleted. The following language was added in its place: *The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.* This is similar to language which is now included as a standard condition of approval for new wireless communication facilities.
4. Section C(5)a. New language was added stating, *Government-owned communication facilities used exclusively to protect public health, safety and welfare shall be exempt from obtaining a use permit but are subject to these guidelines.* This language was added in response to the Commission's request that these types of facilities, although exempt from the Use Permit process per Section 20.236.015(C) in the existing draft ordinance (OA_2014-0003), should remain subject to the guidelines. Staff found it appropriate to locate this standard at the beginning of Section C(5) to assist the reader, resulting in the need to re-order the other standards.

RECOMMENDATION: Recommend that the Board of Supervisors adopt a Resolution to approve the proposed modifications to the County Guidelines for the Development of Wireless Communication Facilities.

FINDINGS:

That the Planning Commission recommends that the Board of Supervisors adopt a resolution approving the proposed Guidelines for the Development of Wireless Communication Facilities by finding that they are:

1. Categorically Exempt under Class 8 of the California Environmental Quality Act (CEQA). Section 15308 of the CEQA Guidelines states that "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." are considered to be exempt.
2. That the proposed project is consistent with the applicable goals and policies of the General Plan, Local Coastal Plan, Mendocino Town Plan and Ukiah Valley Area Plan.

ATTACHMENTS:

- A – Draft Board Resolution
- B – Guidelines for the Development of Wireless Communication Facilities- Clean Version
- C – Guidelines for the Development of Wireless Communication Facilities- Strikethrough
- D – September 18, 2014 Planning Commission Report and Minutes