



February 2, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, February 17, 2011, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: UM 15-2002/2010 (2)

DATE FILED: 11/24/2010

OWNER: VIRGINIA MEADOWS

APPLICANT: CROWN CASTLE

AGENT: GARY GOCHBERG-CROWN CASTLE

REQUEST: To delete condition number 24 of previous Use Permit Modification # UM 15-2002/2010, which requires applicant to improve an existing private road approach off County Road #110 by paving the first 15 feet with surfacing comparable to that on the County Road. UM 15-2002/2010 was previously approved to allow for the addition of a 4 foot diameter microwave dish onto an existing 51 foot tall telecommunication tower.

LOCATION: 3+/- miles southwest of Hopland, on a private road 1.5+/- miles southwest of its intersection with County Road #110, 1.5+/- miles southeast of its intersection with Feliz Creek Road (CR# 109), located at 4655 Road 110; AP# 049-240-26.

PROJECT COORDINATOR: DUSTY DULEY

ENVIRONMENTAL DETERMINATION: The request has been processed through the County Environmental Review Process and it has been determined that the project is Categorically Exempt from environmental review. The staff report and notice are available for public review at 501 Low Gap Road, Room 1440, Ukiah, California and on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, 95482, no later than February 16, 2011. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

IGNACIO GONZALEZ, Director of Planning and Building Services

OWNER: VIRGINIA MEADOWS
5076 LEONARD ROAD
GRANTS PASS, OR 97527

APPLICANT: CROWN CASTLE (for VERIZON WIRELESS)
5820 STONERIDGE MALL ROAD SUITE #300
PLEASANTON, CA 94588

AGENT: GARY GOCHBERG
5820 STONERIDGE MALL ROAD SUITE #300
PLEASANTON, CA 94588

REQUEST: To delete condition number 24 of previous Use Permit Modification #UM 15-02/10 which requires the applicant to improve an existing private road approach off County Road #110 by paving the first 15 feet with surfacing comparable to that on the County Road. #UM 15-02/10 was previously approved to allow for the addition of a 4 foot diameter microwave dish onto an existing 51 foot tall telecommunication tower.

LOCATION: 3± miles southwest of Hopland on a private road 1.5± miles southwest of its intersection with County Road #110, 1.5± miles southeast of its intersection with Feliz Creek Road (CR# 109), located at 4655 Road 110; AP# 049-240-26.

TOTAL ACREAGE: 2,000 square foot leased area within a 300± acre host parcel.

GENERAL PLAN: Rangeland: 160 acre minimum (RL-160)

ZONING: Rangeland: 160 acre minimum (RL-160)

EXISTING USES: Telecommunication Facility

ADJACENT ZONING: Rangeland

SURROUNDING LAND USES: Rangeland

SURROUNDING LOT SIZES: North: 160± to 278± Acres
East: 18.87± to 89.71± Acres
South: 160± to 240± Acres
West: 120± Acres

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:

Use Permit #U 22-98, submitted by GTE Wireless for the addition of four 15-foot whip antennas and one 6-foot microwave antenna to an existing 55-foot tall monopole, was approved by the Planning Commission on February 4, 1999.

Use Permit #U 15-2002, submitted by Edge Wireless, since obtained by AT&T Wireless, to attach nine panel antennas and two microwave antennas to the Crown Castle monopole, and to add an 8 x 14 foot equipment shelter within the 40 by 90 foot fenced and graveled enclosure was approved by the Planning Commission on October 17, 2002.

Use Permit #U 29-2003 was approved by the Planning Commission on March 11, 2004, permitting US Cellular to add nine panel antennas to their previously constructed 150 foot tall tower.

Use Permit #U 10-2009 was approved by the Planning Commission on October 15, 2009, allowing T-Mobile to mount 3 panel antennas and 3 microwave dishes to the 150-foot tall tower and establish associated ground equipment.

Use Permit Modification #UM 15-2002/2009 permitted Verizon Wireless to install six panel antennas to replace three omni-whip antennas on the 51-foot tall monopole.

Use Permit Modification #UM 15-2002/2010 was approved by the Planning Commission at the June 17, 2010, meeting to allow Verizon Wireless to add a 4 foot diameter microwave dish onto the 51-foot tall monopole.

BACKGROUND: Currently, there are 2 wireless communication facilities operating within the Meadows ranch ownership. Verizon Wireless and AT&T Mobility have antennas mounted on a 51-foot tall monopole owned by Crown Castle. U.S. Cellular along with T-Mobile share space on the 150 foot tall lattice tower built in 1994, just west of the Crown Castle monopole. Both facilities were established prior to the County requirement to obtain a discretionary permit.

A condition of the original Use Permit #U 15-2002 entitlement for Edge Wireless, now AT&T Mobility, required the wireless carrier to construct and maintain a standard driveway approach onto County Road #110. Upon requesting comments for Use Permit Modification #UM 15-2002/2010 the County Department of Transportation (DOT), discovered that the road improvements were never completed.

PROJECT DESCRIPTION: Verizon Wireless, a wireless communication carrier, is requesting that condition number 24 of their previous Use Permit Modification #UM 15-2002/2010, to allow for the addition of a 4-foot diameter microwave dish to a 51-foot tall monopole, be deleted. Condition number 24 states:

“Prior to issuance of a building permit, a standard driveway approach shall be constructed and maintained onto County Road 110, to a minimum width of ten (10) feet, and length measured fifteen (15) feet from the edge of the County Road, to be paved with surfacing comparable to that on the County Road.”

Access to the site is via Feliz Creek Road, County Road 110, and a private ranch road. The above referenced section of road to be improved is under the ownership of a private land owner, Mr. Fred Zmarzly. Staff received a letter from Mr. Zmarzly dated October 26, 2010, objecting to the proposed road improvements stating:

“I do not want an asphalt driveway approach at my gate as I bring in heavy equipment at times to my ranch to work on the roads. The tracks of the equipment would demolish the asphalt in no time, creating a lot of repair and upkeep.”

As the road is under private ownership, the applicant must obtain permission from Mr. Zmarzly to complete the work to satisfy condition number 24 of their Use Permit entitlement. Finding the landowner unwilling to grant the applicant permission to complete the work, the applicant is asking for condition number 24 to be deleted. Mr. Zmarzly makes reference to a letter he sent to Crown Castle in 2003 regarding this same issue and the County's willingness to forgo the road improvements at that time. Neither staff, DOT, or Crown Castle can find a copy of the 2003 letter or recall a past administrative decision regarding this matter.

ENVIRONMENTAL REVIEW: In reviewing the proposed modification to the project, staff believes that no significant new impacts have been created that have not previously been addressed by previous Use Permit Modification #UM 15-2002/2010. A review of the issues related to the project changes are as follows:

Air and Transportation/Circulation (Items 2 and 12): The Mendocino County Air Quality Management District (AQMD) reviewed Mr. Zmarzly's letter and provided staff with the following response:

“The paving of approaches is a valuable and cost effective way to reduce track out of dirt onto paved surfaces. However in light of Mr. Zmarzly's concerns the District would support replacing the condition requiring paving with a condition that requires 4 inches of gravel be applied to the first 25 feet of the road.”

The County Department of Transportation (DOT), upon reviewing the applicant's request and AQMD's comments, is willing to forgo the paving requirement stated in condition number 24 provided the applicant complete the following road improvements:

"...4 inches of aggregate base rock be placed at the existing approach. We recommend that the base rock be placed with standard compaction methods and chip-sealed. Additionally, we recommend that the gate be relocated at least 25 feet from the edge of the County Road to accommodate pick-up trucks without disrupting road traffic."

Staff contacted Mr. Zmarzly's to determine whether he had any objections to the alternative road improvements identified by the AQMD and DOT. Mr. Zmarzly told staff that he would not support moving his gate further back from the County road or the placement of 4 inches of aggregate base rock on the road approach. However, Mr. Zmarzly would support one (1) inch of aggregate base rock being placed on the private road. According to Mr. Zmarzly, the gate is located approximately 6-7 feet away from the edge of the County road. After construction, each cellular carrier typically requires two (2) site visits per month to maintain their equipment.

Public Services (Item 13): The project is within a State responsibility area of the California Department of Forestry (CalFire). CalFire provided a "no comment" response and did not note any objections to removing the road improvement requirements. The local Sanel Valley Fire Department did not respond to staff's referral.

CONCLUSION: Staff is providing the Planning Commission with two motions for consideration. The first motion provides for the replacement of condition number 24 with alternative road improvement requirements as recommended by the AQMD and DOT. The second motion is to delete condition number 24 of Use Permit Modification #UM 15-02/10 finding that the deletion of the road improvements will not create a significant impact to air quality from dust generation or cause a significant impact to traffic safety.

Should the Commission require the applicant to complete road improvements that the property owner, Mr. Zmarzly, is unwilling to permit, Verizon Wireless will be unable to meet the condition and receive approval to add the microwave dish. Further, as the road improvement condition was originally placed on Use Permit #U 15-2002 and never completed, it may be determined that AT&T Wireless is in violation of their use permit and would be required to remove their nine panel antennas and two microwave antennas currently attached to the Crown Castle monopole.

Alternative Motion #1: The Planning Commission replaces condition number 24 of the previous Use Permit Modification #UM 15-2002-2010 with condition number 1 of this report finding that road improvements are necessary to protect air quality and traffic safety.

Alternative Motion #2: The Planning Commission approves the applicant's request to delete condition number 24 of Use Permit Modification #UM 15-2002-2010 finding that a hardship exists and forgoing the road improvements will not have a significant impact to air quality or traffic safety.

ENVIRONMENTAL RECOMMENDATION: Based on the above, staff finds that no new significant environmental impacts will result from replacing the road improvements with alternatives identified within the report or deletion of road improvements. Therefore, per CEQA Section 15162, no new environmental documentation or action is necessary.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan.

RECOMMENDED MOTION:

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that no new significant environmental impacts will result from the project. Therefore, per CEQA Section 15162, no new environmental documentation or action is necessary.

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
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.
3. That such use preserves the integrity of the zoning district.

Project Findings: The Planning Commission making the above findings approves #UM 15-2002-2010(2) subject to the conditions of approval as previously imposed by the County deleting condition number 24, and adding condition number 1 below, should the Commission decide to approve alternative motion number 1.

RECOMMENDED CONDITIONS:

1. Prior to issuance of a building permit, a standard driveway approach shall be constructed and maintained onto County Road #110, to a minimum width of ten (10) feet, and length measured twenty-five (25) feet from the edge of the County Road, to be improved with four (4) inches of aggregate base rock. Rock shall be placed with standard compaction methods and chip-sealed. The access gate shall be relocated at least 25 feet from the edge of County Road #110.

DATE

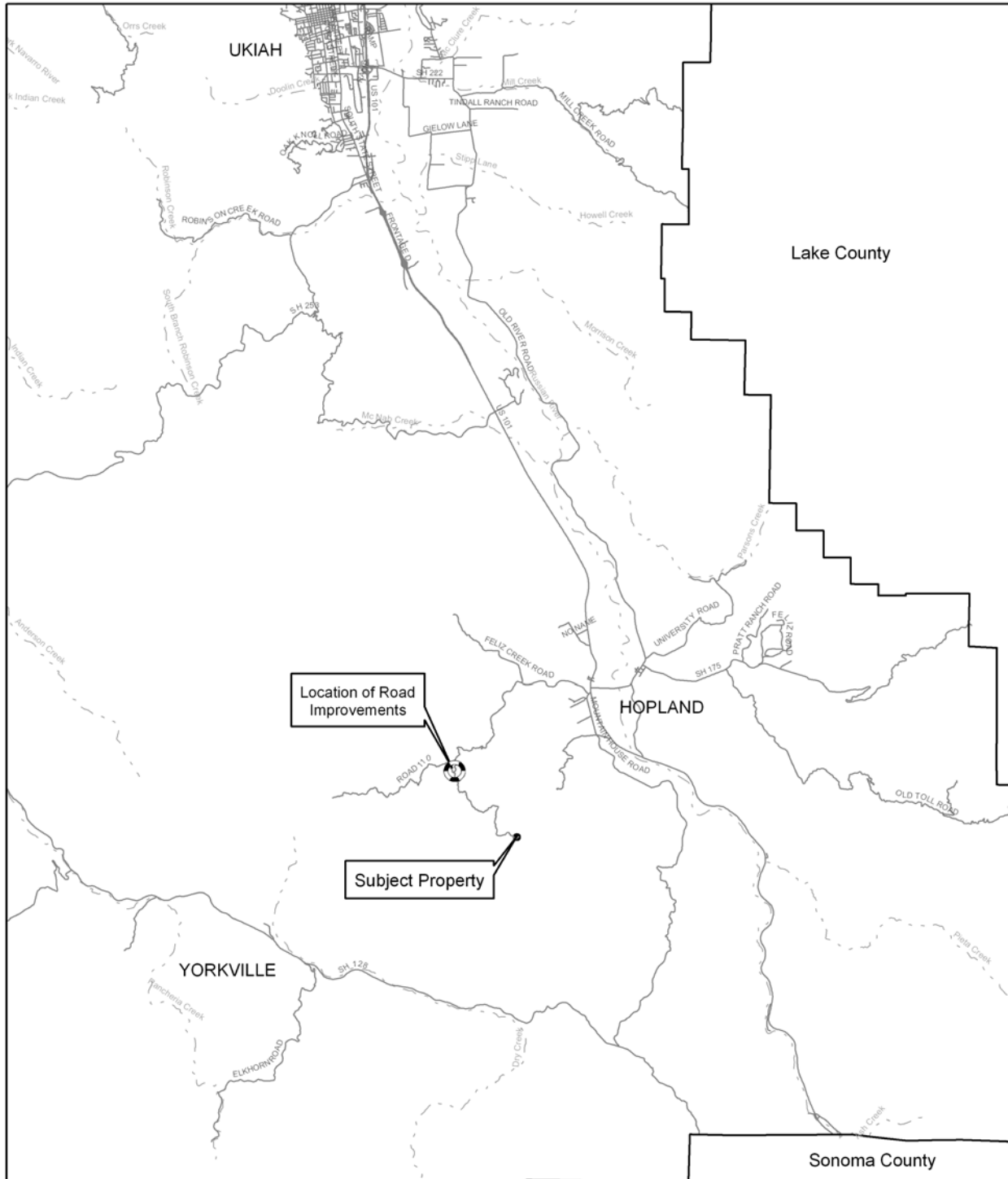
DUSTY DULEY
PLANNER II

DD/Im
February 3, 2011

Appeal Fee - \$910.00
Appeal Period - 10 days

SUMMARY OF AGENCY COMMENTS:

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Building Inspection - Ukiah	X		
Assessor	X		
Federal Communications Commission	X		
Cal Fire		X	
Public Utilities Commission	X		
Caltrans, Division of Aeronautics	X		
Dept. of Transportation			X
Federal Aviation Administration	X		
Air Quality Management District			X
Environmental Health - Ukiah	X	X	
Sanel Valley Fire District	X		

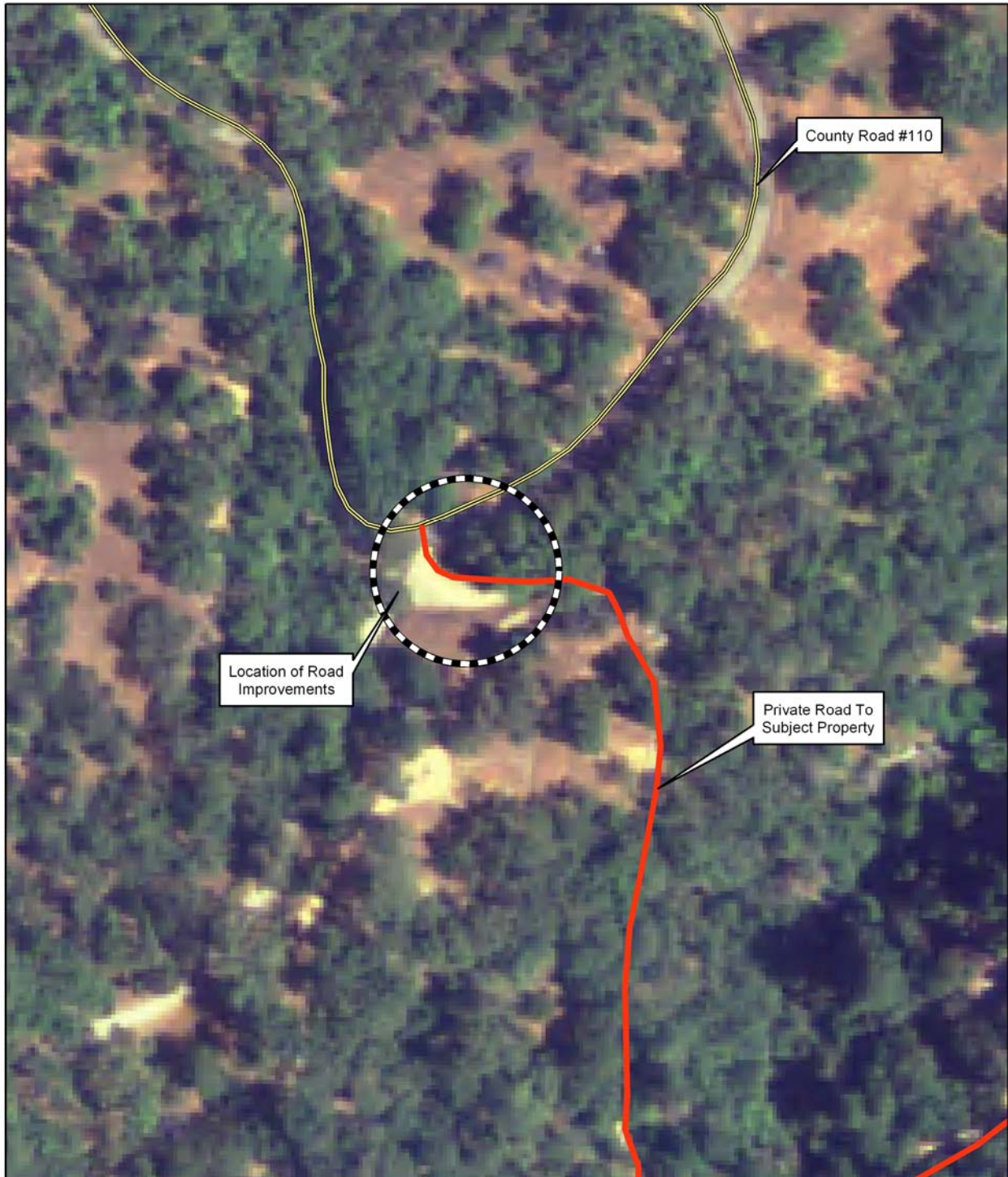


OWNER: MEADOWS, Virginia
APPLICANT: CROWN CASTLE
AGENT: OSBORNE, Jason
CASE: UM 15-2002 / 2010 (02)
APNs: 049-240-26

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of October 2009)



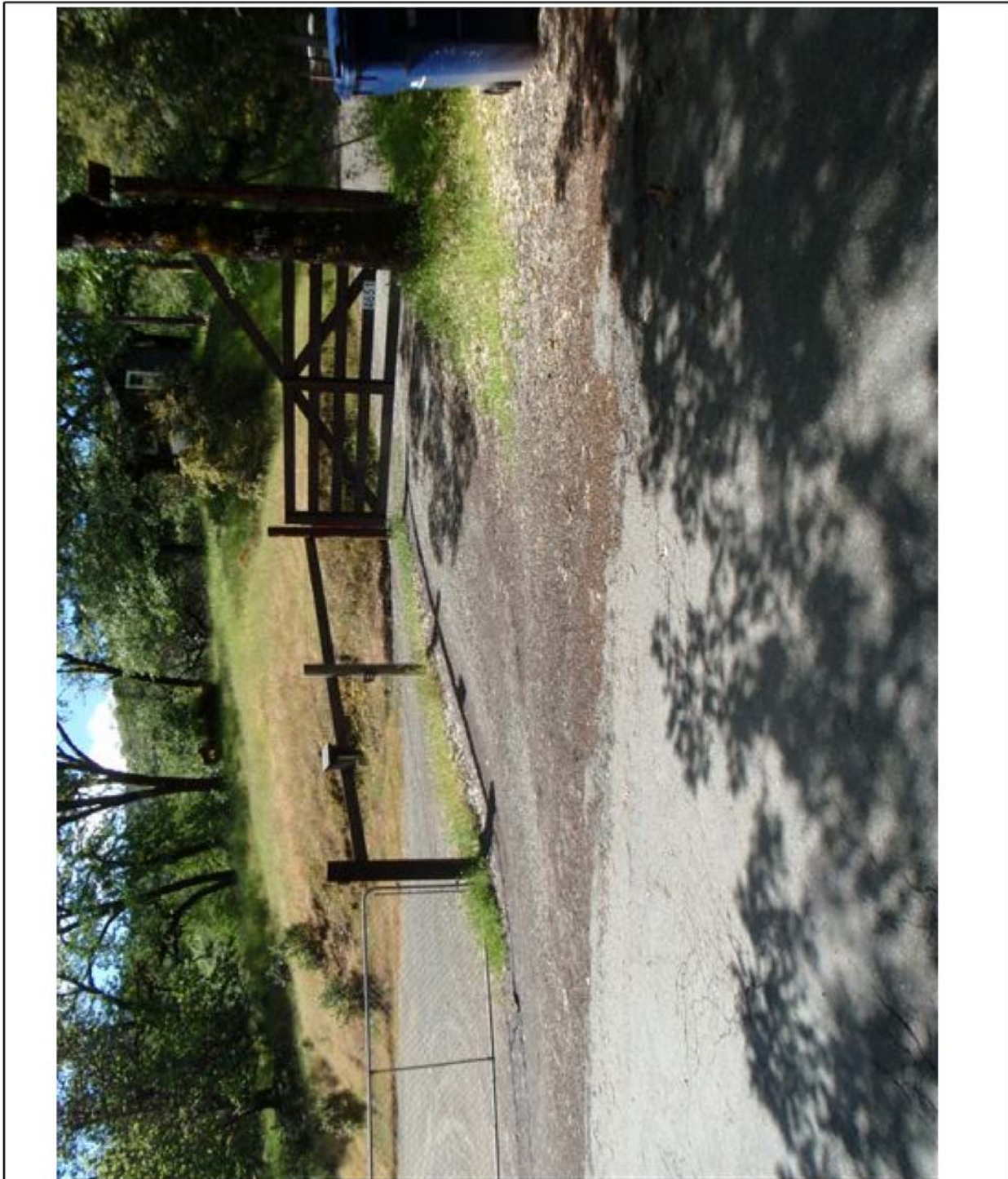


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**LOCATION OF ROAD IMPROVEMENTS
REQUESTED TO BE DELETED
ORTHOPHOTO - June 2009**

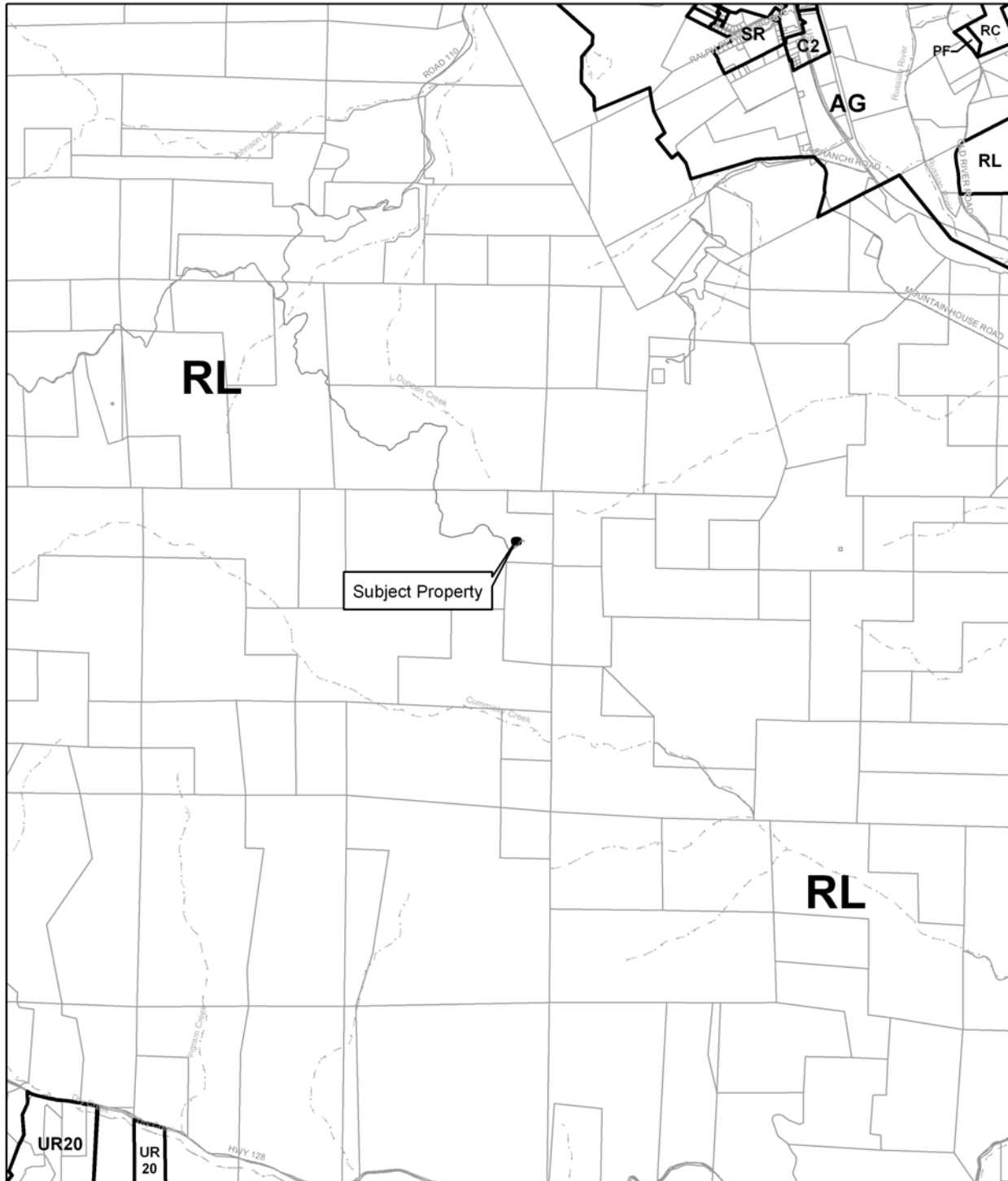
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**VIEW OF PRIVATE ROAD AND GATE
FROM COUNTY ROAD #110**

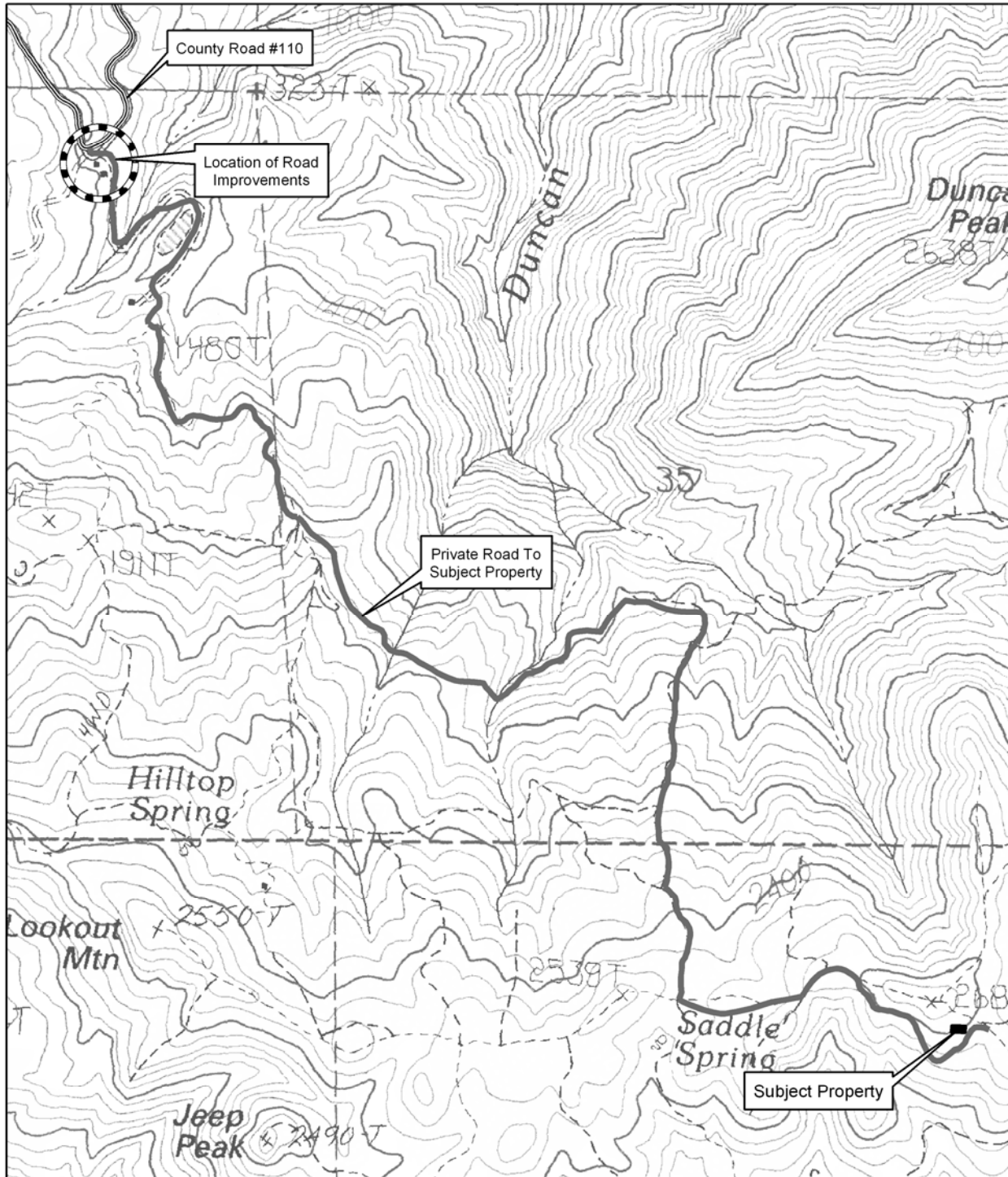


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ZONING DISPLAY MAP

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