

Steering Committee Meeting Notes

Friday, January 11th, 2013 10:00 am – 12 noon

The Community Foundation of Mendocino County
204 S. Oak Street, Ukiah, CA 95482 (707) 468-9882

Dial In # (605) 477-2100 Participant access code: 565491#

1. Call to Order: 10:00 am

- a. Attendees: Brian Churm, Carol Brodsky, Chris Warrick (Chief Building Inspector), Conrad Cox, Dan Hamburg, Dusty Duley (Planning and Building Services), Gary Gochberg (Crown Castle), Greg Jirak, Heidi Cusick Dickerson (Representative for Congressman), James Farlow (Advanced Link), John Goldsmith, Jacob Turner (Ringnebula Systems), John Loucks (Mendocino College), Jim Moorehead, Mike Nichols, Nathan Cook (Advanced Link), Peter Hilliard, Ray Gifford Jr (Ukiah Wireless), Steve Dunicliff, Susanne Norgard, Terry Gross (Deputy County Counsel), Tony Shaw (Employers Council), Trish Steel
- b. Call-in: Eric Wilhelm (Sonoma County Water Agency), Scott Adams (Comcast)

2. Welcome

- a. Alliance Chairman Jim Moorehead welcomed everyone and asked them to introduce themselves. He then explained that the Alliance was hosting this special meeting to discuss revisions to the county code in regard to the permitting process for certain types of broadband/cellular projects. This will be the main focus of the meeting, and if we are short of time all other agenda items will be discussed at our next meeting. Dusty Duley, staff planner from County Planning and Building Services will facilitate and run the meeting. Jim then gave an introduction to Dusty and turned the meeting over to him.

3. County Wireless Guidelines

- a. Dusty Duley introduced himself and Chris Warrick, Chief Building Inspector of Mendocino County. The county is at this meeting because they recognize the importance of broadband to our county, and Dusty put together a draft agenda (different from Jim's) of discussion items. Agenda items included building permits, standards for buildings and wall mount installations, definitions, submittal requirements and timeline for an Administrative permit, an upcoming planning commission meeting on January 17th, and at the bottom added "what else", asking if there was anything not covered that should be. No one had anything to add to his agenda.
- b. Dusty then gave some background to this discussion by saying that there are two things going on and there has been some confusion because of it:
 - i. Revisions to the wireless guidelines from 2001 that have to do with the orderly deployment of wireless facilities (towers), and Planning and Building staff have been asked to expand on these guidelines. Dusty sent out prior to the meeting the Draft update to resolution No. 2001-02.
 - ii. Zoning changes for projects such as a simple addition of an antenna to an existing structure that would be exempt from the wireless guidelines. Prior to

the meeting Dusty sent out a draft of An Ordinance Changing the Zoning Code for Mendocino County for discussion. Dusty would like to talk about the second of these issues today, the zoning changes.

- c. Currently, whether building a new tower or adding an antenna or other equipment, the applicant is required to get a major use permit, and the county is trying to get away from that. Preliminary discussions with County Counsel indicated that the general feeling is that broadband should be grouped with cellular, meaning that any rules for broadband would be the same as that applied to cellular.
- d. Chris Warrick, Chief Building Inspector then led a discussion about existing permitting requirements for buildings and structures. Although there is no required permit for any type of signal, the support or building for support of such signal would require a permit. In most cases, those structures need to be designed by a professional, with any wiring conforming to the 2010 electrical code. There are some exemptions to this *wiring code permit* for situations where there is no structural/safety issue created because of the low voltage, such as for cable TV, satellite dishes, radio, broadband, fire alarms, etc. In such exempt situations, they must still be wired properly though.
- e. A building or tower cannot be exempt from a permit; however, the wiring can be exempt from a permit.
- f. Chris was then able to answer specific questions from attendees about special situations. A few of these questions were:
 - i. Would attachments such as a box on the side of an existing building/structure require a permit? A: No, as long as the building is not affected during the attachment, ie no damage to the building.
 - ii. Would an attachment to a utility pole need a permit? A: No, that's PUC jurisdiction.
 - iii. Would an attachment to a private utility pole need a permit? A: Yes
 - iv. Would towers on hillsides need permits? A: Yes
 - v. Would an attachment to an existing flag pole need a permit? A: No, the pole is existing already.
 - vi. If broadcasting just to a private group, would you need a permit? A: Yes, there are no exemptions based on size.
 - vii. Mike Nichols said that he had heard anecdotally that antennas in redwood trees in Sonoma County were exempt from permits, and asked if there was anything similar in Mendocino County. A: No
 - viii. Ray asked Chris about a typical fee for a structure, and Chris responded that the fee is based on job cost (labor and materials), and not the technology that will be attached. The permit is for the structure only.
- g. Brian added that there are many gray areas and many of these situations blend together which makes it confusing, and a chart of "permit exempt" categories would be helpful.
- h. Dusty said there would be some type of handout that would give the general idea about this. Jim suggested a "flow chart" in that handout.
- i. Chris added that permits need to be re-approved every three years in case there have been changes to the code. Currently the county is going by the 2010 codes, but will

soon be using new codes adopted by the state. You can call and ask to find out if there have been changes.

- j. Chris left some building permit applications for anyone to see what they look like, and his business cards. At this point Chris left the meeting and Dusty went on to discuss the zoning changes.

4. Zoning Changes

- a. Dusty gave a background to the issue. Currently any type of antenna requires a major use permit; we also have a coastal zone in our county, and if these zoning changes are accepted they would affect only the inland portion of the county. There would have to be a separate change (the standards could be the same) for the coastal areas and involve the coastal commission, which would be a more involved process.
- b. Another point is that the coastal zone is arbitrary. Sometimes it is just west of highway 1, and sometimes it extends inland by several miles.
- c. The goal would be to have the same standards both inland and coastal. But, the Coastal Commission may have a different idea so the process may be more complicated.
- d. Dusty then went through the draft ordinance point by point to provide opportunity for discussion and feedback, reminding everyone that none of this has been reviewed by the decision makers. Page one point A-E dealt with wireless telecommunication facilities that are exempt from the requirements. Some of the comments from attendees around these points were:
 - i. Point (E) page one: Gary added that a lot of jurisdictions use a 25% rule to allow for some type of deviation when antennas are similar. They will never be exactly the same due to changing technology and the 25% rule seems really fair.
 - ii. Point (C) page one: Tony asked to consider changing “facilities operated” to “facilities used” and to also add educational facilities. Brian suggested adding “exclusively used”.
 - iii. Brian noticed that “facilities shall be limited in height” should be moved from point (A) up top so that it applied to all points A-E.
- e. Dusty then moved through the document, discussing the Administrative Permit process and accompanying points. He also invited everyone to attend the January 17th meeting to provide input into this process.
- f. Ray asked some questions about aesthetics, as he has installations that he literally can't even see, but Dusty stated that each application is individual, and what might not be a concern to you might be a concern to a neighbor.
- g. Dan Hamburg asked a question with respect to FCC Guidelines on Radio Frequency Electromagnetic Fields (top of page 2) and how up to date they are, and if there have been revisions since the noted date of 1977.
- h. Brian asked whether there should be any language requiring good faith effort to be aesthetically matching if you are exempt. Dusty said that yes that is important, and that he will make sure that is in there.

- i. The Administrative Permit would cost \$489, and at the last meeting with Dusty held at the Community Foundation on October 5th, 2012 Dusty asked if that fee was reasonable, and those providers in attendance said yes. He also brought up the idea of a “one-time” clean-up to bring all the many small projects into compliance and to be grandfathered in (he would still have to talk to his boss about that).
- j. Peter asked the county to consider additional Administrative Permits for things like small cells and structure mounted antennas. Dusty said that small cells would be subject to Administrative Permit.
- k. Brian said that some technology doesn’t fit into any category. There is newer technology made for poles that is very well hidden, and can go on telephone poles and street lights. It’s not mounted on a building, nor roof mounted. There is also new independent small site technology that increases the capacity of a network, and can be installed inside a mall for example.
- l. Brian suggested including the language “antennas mounted to existing structures such that it doesn’t create a visual change to these structures.”
- m. Under Building-mounted antennas (bottom of page 2 (B) there was discussion of points 1-4. Dusty talked about having to balance the various points of view in these decisions.
- n. Regarding point (B) 4, Tony asked if pre-1974 structures are deemed legal. Dusty clarified that some are not permitted but don’t need a permit. If a structure is legal, then you are good, but it is up to you to find out if a structure is legal or not. You can’t just ask an owner because they may not tell you the truth or may not know. You should contact the county *beforehand* to find out; if the answer is no the county will not investigate.
- o. The question was asked if there was a special Administrative Permit application. Dusty replied that once this is all solidified, then a special application will be created and used.
- p. All these permits will be subject to environmental review guidelines.

5. Administrative Permit Timeline

- a. In the perfect scenario, once an application is deemed complete, the county would take action (approve the permit) within 30 days.
- b. Notice to the neighbors would happen 15 days prior. If there are no objections, then the project is approved.
- c. If there are objections from neighbors, then there would be a public hearing before the Zoning Administrator at the next available meeting, which are currently held once/month. At this public hearing the neighbor can argue that the project is not consistent with the standards. If they can’t prove this, then the project is approved.
- d. There is also a 10-day appeal period, whether anyone objected or not. Depending on the scenario, this appeal would go either before the Zoning Administrator or the Board of Supervisors.
- e. Once this 10 day appeal period is past, then the permit is secure.

6. Final Comments

- a. Dusty thanked everyone for their input and comments, and said that it was very helpful to him. He will make changes and email the draft back to us.

- b. Some of the participants also said that it was informative to them and was a very good meeting.
- c. Dusty reminded everyone of the upcoming Planning Commission meeting on the 17th at 9 am, Board of Supervisors chambers, and to please attend. We will be introducing and discussing this new permit process, and the overall update to the wireless guidelines and these zoning changes. You can go to the website to get the agenda and attachments.

Attachments: <http://www.co.mendocino.ca.us/planning/meetings.htm>

Agenda:

<http://www.co.mendocino.ca.us/planning/pdf/current/PC%20011713%20FINAL.pdf>

7. Meeting adjourned at 12 noon.

8. Next meetings:

- a. Alliance public outreach meeting on Friday 01/18 and 01/25 at the Community Foundation office, 204 South Oak Street, Ukiah.