

McClenagan, Laura

Subject: FW: AT&T Mobility (New Cingular Wireless PCS), Special Permit Record Number PLN-2020-16754
Attachments: PWM Letter Response to County on AT&T Proposed Project 9-8-21.pdf

From: Thomas McMurray <tjmcjr@outlook.com>
Sent: Monday, September 13, 2021 2:48 PM
To: Ford, John <JFord@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Cc: Thomas McMurray <tjmcjr@outlook.com>
Subject: AT&T Mobility (New Cingular Wireless PCS), Special Permit Record Number PLN-2020-16754

Hello: The Staff is recommending a Special Permit exception to the height limit of the AG zone district. The height limits contained in the General Plan for the AG District have been adopted to eliminate potential viewshed impacts in the Arcata Bottom Agricultural surroundings. No change in the General Plan can be made solely by a permit and a General Plan Amendment would have to be attempted. However, General Plan Amendments must be "in the Public Interest" and cannot "benefit a particular property." This is an clear example of a an attempt to grant a special privilege to a property not available to others as clearly pointed out in the General Plan Section 3.3 within the attached letter previously submitted on September 8, 2021. This is another on the AT&T submitted project, among many others, that would lead to major increased impacts detrimental to the public interests and a clear reason to not change from a the first Staff Report for denial to this one for approval. In an attempt to make our site acceptable to AT&T, we have offered them the top 130 foot location on our tower and lower our rental price fifty (50) percent to reduce the need for two separate towers in that area. Would you please send this to all the Planning Commissioners. Respectfully, Tom McMurray

16754	2	1.	Zoning Item	New Cingular Wireless PCS, Special Permit Record Number PLN-2020-16754 Assessor's Parcel Nu the construction of a new 120-foot tall, freestanding faux water tower, to be located on a concre different wireless carriers. The application requires a Special Permit for an exception to the heigh
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Thomas J. McMurray Jr.
PWM Inc. a Pacific Coast Towers Company
P.O. Box 6660 Eureka, California 95502
2039 Williams Street-FedEx/UPS only
Phone: 707-499-0901-Direct
tjmcjr@outlook.com



September 7, 2021

Mr. John Ford, Director
Humboldt County Planning Commission
All Planning Commissioners by Email
3015 H Street
Eureka, California

Subject: AT&T Foster Avenue Proposed Cellular Tower Installation

Dear Mr. Ford and Commissioners:

My understanding is that the Planning Department has changed from a denial to a recommendation for approval on the above captioned project.

The County cannot modify the legally adopted General Plan by approving individual projects that are not in compliance such as the proposed AT&T Foster Avenue project.

Due to the above project being out of compliance and recommended for denial on the August 5, 2021 Staff Report, the only proper and legal way to address the many items that do not comply with the adopted Humboldt County General Plan would be to do a General Plan Amendment. If the County allows this project to breach the legally adopted General Plan and approve this project, which is out of compliance, and grant a special privilege to an individual Property Owner, many similar requests will be forthcoming and the General Plan will become saturated with special requests.

The General Plan Section 3.3 below describes the concern about the public interest and the granting of special privileges if an out of compliance individual project or a General Plan Amendment were approved.

General Plan Section 3.3 Amendments

”Apart from County-initiated amendments, there will be requests from private property owners for amendments to the land use designation for individual parcels. While this amendment process is critical to the flexibility of the Plan, the General Plan is a policy document for the entire County and may only be amended "in the public interest" as determined by the Board of Supervisors. In other words, the Plan can only be amended when the change benefits the entire County, not merely because the change would benefit a particular property owner. Every General Plan amendment must also be consistent with the rest of the Plan or appropriate changes need to be made to the Plan to achieve consistency with the proposed 100-foot tall faux water tower per the Recommended Planning Commission Action.”

STAFF FINDINGS AND RECOMMENDATION August 5, 2021 Staff Report

“Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that, pursuant to CEQA Guidelines Section 15061(b)(4), a project is exempt from CEQA if the project is disapproved by a public agency (staff is recommending denial of this project); and that the applicant has not submitted evidence in support of making all of the required findings for approving the proposed...”

100-foot-tall faux water tower per the Recommended Planning Commission Action. Alternative: The Planning Commission could support of the proposed Special Permit if the Commission is able to determine that the submitted evidence supports making all of the required findings. However, based on this staff report, planning staff believes the submitted evidence does not support making all of the required findings and does not recommend further consideration of this alternative. PLN-2020-16754 New Cingular Wireless (AT&T) August 5, 2021”



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3. COUNTY STAFF FINDING:

The proposed development is not in conformance with the County General Plan. Applicable Telecommunications Element provisions include:

EVIDENCE: a) §6.5 F: Design and Screening. 1)Support structures shall be designed and painted to minimize visibility with a preference towards each of the following in the order so listed: 1) use of existing structures, 2) stealth designs for concealment, and 3) monopoles. 2)Component parts, equipment cabinets, buildings and security fencing shall be designed to achieve a minimum profile through painting, screening, landscaping, and architectural compatibly with surrounding structures. The project, while utilizing a faux water tank design, would result in placement of the proposed tower on a project site that contains no other structures. Additionally, the structure placement would be relatively close the Foster Avenue roadway (approximately 60 ft north), thereby increasing visibility of the tower. 3)Photo simulations or balloon tests with views form various vantage points shall be used to show visual impact of the proposed facility. Photo simulations were furnished in the attachments. §6.5 E., Location and siting: Avoid siting along ridgelines unless screened from public view 2)Avoid siting within views of scenic highways, public parks, recreation or cultural facilities or other public lands and coastal scenic or view areas 3)Setbacks shall be required between telecommunication facilities and residential dwelling units, public or private schools, and child daycare facilities. The proposed tower would be located within approximately 400 ft of an off-site residence, and 550 ft to an off-site school and church (to the south). Combined with the proposed setback of approximately 60 ft from Foster Avenue, the project would have increased visibility to area residents, the school and church, as well as users of the Arcata Bottoms area.

§6.5 A: Tiered Permitting: “Utilize permit processes that vary depending upon the physical characteristics of the facility, its location, and its compliance with specific development and performance standards

§6.5 B., Performance Standards: “Standards for siting design, visibility, construction impacts, on-going operation, and other characteristics that affect the compatibility and environmental and safety impacts of proposed facilities.” The proposed tower would be located within approximately 400 ft of an off-site residence, and 550 ft to an off-site school and church (to the south). Combined with the proposed setback of approximately 60 ft from Foster Avenue, the project would have increased visibility to area residents, the school and church, as well as users of the Arcata Bottoms area. b) The project complies with the County’s Housing Element as it will not add to nor subtract from the County Housing Inventory. No housing is located on the project site, which is in agricultural use. 4. FINDING: The proposed development is inconsistent with the purposes of the existing zone in which the site is located, and the proposed development conforms to all applicable standards and requirements of these regulations. EVIDENCE: a) b) c) The project area is zoned AG and AE (with the proposed tower to be located on the portion of the site zoned AG). The project is subject to approval of a Special Permit pursuant to the County’s zoning requirements. As noted herein, the required findings for approval of the Special Permit cannot be made. The proposed project is inconsistent with County policies and standards for new telecommunications facilities, including with respect to co-location of telecommunications facilities (more than three wireless carriers should be provided for to reduce potential for future placement of additional wireless towers in the Arcata Bottoms; and with respect to facility design (proximity to off-site residences ,a school and church, as noted herein).



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combined with a nominal setback from Foster Avenue of approximately 60 ft. 5. FINDING: The proposed development and conditions under which it may be operated or maintained will be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity. EVIDENCE: a) As noted above, the proposed project is inconsistent with County General plan policies and standards for new telecommunications facilities, including with respect to co-location of telecommunications facilities and facility design, and therefore, the required public health and safety findings cannot be made. The project proposes collation of two wireless carrier equipment groupings within the faux water tank, and a third carrier on the tower support legs; additional wireless carriers would be preferred to reduce future potential for placement of other wireless carrier towers in the Arcata Bottoms. The project is subject to approval of a Special Permit pursuant to the County's zoning requirements. As noted herein, the required findings for approval of the Special Permit cannot be made.

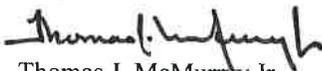
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby: • Adopt the findings set forth in this resolution; and • Denies the Special Permit, based upon the Findings and Evidence described herein; and Adopted after review and consideration of all the evidence on August 5, 2021 I, John H. Ford, Secretary of the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Planning Commission at a meeting held on the date noted above

IN CONCLUSION:

The findings made in the Staff Report dated August 5, 2021 for denial was based upon a 100-foot Tower. The tower has now been extended to 120 feet, tank size has increased from twenty-one feet (21) in height to forty-two feet (42) prox and the overall impacts have been substantially increased, not reduced, including visual impacts, noise, traffic and overall disruption in that location. The only change is the larger project to allow four Tenants to locate there.

Attempts to change the legally adopted General Plan requirements should not be allowed by approval of individual permits. We would also emphasize the legally adopted General Plan requires limiting the number of towers.

Respectfully,


Thomas J. McMurray Jr.

TJM/tjm

