

MONUMENT TO A FAILED PROCESS: South County Use Permit PLN 180317

SUMMARY

Based on complaints received by the Civil Grand Jury, an investigation was conducted into Monterey County Resource Management Agency (RMA) Planning Department's handling of Use Permit Application PLN 180317. This was an application to construct a wireless communications facility (cell tower) in South County. On June 15, 2018 that application was submitted. On October 25, 2018, the Use Permit was approved.

Cell tower construction started early in August 2019 on private property in South County, and the South County community immediately raised complaints to County elected and appointed leaders, stating that the Application was never sent to the South County Land Use Advisory Committee (LUAC) for review on design and local considerations as was required. They also complained that the cell tower's location was unsuitable, and its size was inappropriate.

The District Three Supervisor responded to local outcries, and together with RMA Planning managers, met with the community. Staff acknowledged to the community that the South County LUAC should have reviewed the application. Staff also offered to work with the applicant to ensure that the design of the post-construction tower was the most agreeable possible to the community. However, nothing about the cell tower was changed. One neighbor continues to assert that the cell tower construction damaged his well water, reducing its production.

Since that time, RMA Planning increased its outreach to the South County community, and RMA Planning managers also appear to have raised their sensitivity and oversight on subsequent applications--especially cell tower applications. South County local residents still assert that the tower location is unsuitable and oversized for the area.

GLOSSARY

47 CFR § 1.1307	47 Code of Federal Regulations Section 1.1307
47 US Code §332	U.S. Code Title 47. Telecommunications. Chapter 5. Wire or Radio Communication Subchapter III. Special Provisions Relating to Radio. Part I. General Provisions. Section 332. Mobile services.
The Application	Planning Department's Use Permit Application Number PLN 180137 for the Wireless Telecom Facility on Hesperia Rd in South County
BoS	Board of Supervisors
CFR	Code of Federal Regulations. The codified and published general and permanent rules from the Federal Register for all departments and agencies of the Federal Government.
CPUC	California Public Utilities Commission
CPUC GO	CPUC General Order
DA	Design Permit (application) number in RMA Planning
ERP	Effective radiated power
FCC	Federal Communications Commission
FCC Shot Clock	An FCC rule that sets and tracks time permitted to process a wireless communications facility application.
IAW	In accordance with
LUAC	Land Use Advisory Committee
MCC	Monterey County Code
MPE	Maximum personal exposure
OET65	FCC/OET Bulletin #65 to help determine whether proposed or existing transmitting facilities, operations or devices comply with human exposure to radiofrequency limits.
OET (FCC)	Office of Engineering and Technology (in the FCC)
PLN	Planning permit (application) number in RMA Planning
RMA	The Monterey County Resource Management Agency
RMA Planning	The current planning division of RMA
RMA planners	The staff planners, who work in RMA Planning
SC LUAC	South County Land Use Advisory Committee
RF-EME	Radio frequency electromagnetic energy
Toll	To officially pause (a shot clock) timing process
ZA	Monterey County Zoning Administrator

METHODOLOGY

The Civil Grand Jury investigated this situation using the following methodology:

A. By reviewing:

- All relevant Federal, State, and County codes on wireless communications facilities.
- All County records about Use Permit PLN 180317, and several other County Use Permit records about other nearby wireless communications facilities, built or planned.
- Selected County Assessor and Tax records for primary and alternative sites.
- Relevant Monterey County codes (including public hearings, zoning, wireless communications facilities, rural grazing zone district, permit guidelines, etc.).
- The Monterey County General Plan (10/26/2010); including the South County Area Plan, Chapter 9-H.
- The Monterey County Land Use Advisory Committee Procedures ("LUAC Guidelines"), adopted by Board of Supervisors November 18, 2008, last amended April 28, 2015.
- All available records of Monterey County South County LUAC meetings, and many other County LUAC meeting schedules and records for the past two years, plus other County records that provided background, context or clarity to the investigation.
- Public discussion of this permit in open source, and other relevant public discussion in South County about wireless issues, land use, and other LUAC issues.

B. By interviewing:

- Selected Monterey South County residents.
- Selected Monterey County government managers and staff.
- Selected Monterey County government board, commission, or committee personnel.
- Selected Federal Communications Commission (FCC) personnel about relevant FCC regulations and policies.

C. By visiting and examining:

- The wireless communications facility authorized by Use Permit PLN 180317.
- The proposed alternative site for the wireless communications facility as claimed in Use Permit PLN 180317.
- Several close-by wireless communications facilities already built or proposed in the South County area.

SCOPE

A. This report considers:

- to what degree the RMA Planning department was diligent and accurate in processing the application in accordance with County code and policies.
- to what degree the required and optional opportunities for community participation in this land use decision were provided.

B. This report's focus on the cell tower itself is limited to certain essential observations related to location, design, and equipment in the context of the County Code, State, and Federal law. Questions on possible health issues with

cellular technology, or those related to the tower's possible use for 5G networks are outside of the scope of this report.

C. Below are regulatory considerations that provided context for this investigation:

- This application's purpose was "to close significant service coverage gap areas..." (Staff Report Exhibit E) and provide service where none existed. [State or local governments] "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." (47 U.S. Code §332. (c)(7) (B)(ii)).
- Federal law (47 U.S. Code §332. (c)(7)(B)(iv)) states: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."
- However, Federal law (47 U.S. Code §332.(c)(7)(A)), State law (PUC 7901.1; CPUC GO-159A §2.B), and the County's wireless communications facility code (MCC 21.64.310.E) all recognize a local community and local governments' "...authority over decisions regarding the placement, construction, and modification of personal wireless service facilities." The FCC's *Third Report and Order* also acknowledged local governments' rights to preserve community character with aesthetics requirements that are not preempted if "they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance." (FCC 47 CFR Part 1.Declaratory Ruling, Aesthetics. 83 Fed.Reg. 199 (October 15, 2018). Para. 29, page. 51871).
- Finally, case law, including both the California Supreme Court and the United States Supreme Court decisions, also preserve certain rights of local governments to alter or even deny applications under particular conditions (cf.

T-Mobile West LLC v. City and County of San Francisco, S238001. April 04, 2019; *T-Mobile South, LLC v. City of Roswell*, 135 S. Ct. 808 (2015)).



PLN 180317 ON BRYSON-HESPERIA PLAIN

ABRIDGED CHRONOLOGY

- Jun 15, 2018: The Use Permit Application PLN 180317 was first submitted (processed on Jun 18, 2018). It was a use permit to allow the installation of a 120-foot tall wireless communication facility disguised as a Eucalyptus tree on Hesperia Road, Bradley, in the South County Area of Monterey County.

[FCC Shot Clock starts = 150 days (“§332 tower”)]
- Aug 9, 2018: Application was considered “accepted” by County.
- Aug 9 – Oct 18, 2018: RMA planners processed the Application through more than 12 internal reviews, plus additional internal and external administrative coordinating steps. The Staff Report was prepared.
- Oct 25, 2018: The Completed Application was presented to the Monterey County Zoning Administrator for approval in a public hearing.
- Oct 25, 2018: PLN 180317 was approved by the Monterey County Zoning Administrator with adjustments to required conditions.

[FCC Shot Clock Ends @ 132 days = 18 days left]

- Nov 5, 2018: No appeal was received. The Use Permit 180317 status was final.
- Jan 23, 2019: The related building permit for project was accepted.
- June 18, 2019: The building permit (19CP00222) for the project was issued.
- Aug 4-6, 2019: Vertical building of the tower was underway.
- Aug 16, 2019: Local residents complained to local leaders about the unexpected cell-tower.
- Aug 28, 2019: District 3 Supervisor conducted a meeting in the South County Bryson-Hesperia community, and invited RMA Planning managers to explain how a cell tower was suddenly built on Hesperia Road.



**DISTRICT THREE SUPERVISOR & COUNTY STAFF
MEET WITH THE COMMUNITY
ON AUG 28, 2019 TO DISCUSS THE NEW CELL TOWER**

- Oct 16, 2019: Another Use Permit (PLN 190347) for a different cell tower in the South County area was received and processed by RMA Planning. It was reviewed by the South County LUAC on November 20, 2019.
- Dec 20, 2019: The cell tower on Hesperia Road became operational.

DISCUSSION

Use permit application PLN 180317 for the Hesperia Road cell tower, was one of a growing number of requests to build wireless communications facilities (cell towers) in Monterey's South County. It is part of a positive drive to ensure South County has the connectivity required to deliver community support for emergencies, work, personal development, and for life in our contemporary world.

However, the review, approval, and construction processes for this cell tower were done with an unfortunate insensitivity toward South County that hurt both the aesthetics and natural character of the community. It also reduced the chances that South County will welcome future towers without resistance.



**HESPERIA ROAD -- CELL
TOWER CONSTRUCTION**

A. An Application of Errors (F2, F3)

This application's staff report and public hearing materials contained a number of errors including two misrepresentations that undermined the application's effectiveness and resulted in adverse consequences. In spite of these errors, the cell tower was approved in 132 days and completed less than 10 months later.

Central among the errors that the Civil Grand Jury found was the bewildering view some RMA planners had toward the Land Use Advisory Committee, or LUAC, in South County. That view was epitomized in the Application's Public Hearing Draft Resolution and the accompanying staff brief, which both stated that Monterey South County (SC) did not have a Land Use Advisory Committee (LUAC). This was false.

This error was unexplainable. RMA planning personnel replied to Civil Grand Jury questions about this error by simply conceding it was a mistake. LUACs, including the South County LUAC (SC LUAC), were listed on RMA Planning's website.

Moreover, the SC LUAC held a rarely held meeting on May 16, 2018, just one month prior to this cell tower application being submitted. Finally, the SC LUAC even reviewed a prior cell tower application (PLN 130705) on June 18, 2014.

It is astonishing that this error was undetected in preparation, or review. However, this error was diligently noted and directly questioned by the Zoning Administrator in a public hearing.

This error raised troubling questions for the Civil Grand Jury: Did RMA planners and managers not know of the existence of the SC LUAC at that time? Do managers read the public hearing reports or documents in advance?

During investigations of these questions, the Civil Grand Jury found that the Board of Supervisor's Resolution 15-043 No.7 (April 28, 2015), which authorizes the LUACs, only

What are LUACs

- The Board of Supervisors has recognized the need for **Land Use Advisory Committees (LUAC)** in Monterey County since at least August 23, 1994.
- Today, Monterey County has 11 LUACs: 1. Big Sur Coast 2. South Coast 3. Carmel/ Carmel Highlands 4. Del Monte Forest 5. Greater Monterey Peninsula 6. Carmel Valley 7. Cachagua 8. Toro 9. North County 10. Castroville Community Plan 11. **South County**.

LUAC roles or missions:

- a. Advise Appropriate Authority by providing comments & recommendations on referred land use matters
- b. Reflect the perspective of the local community with focus on neighborhood character, unique community site and conditions & potential local effects or contributions from a proposed project.
- c. Perform other land use reviews as requested
- d. Provide a venue for project neighbors to provide input on proposed projects.
- e. Identify concerns in response to staff-provided scope of review on neighborhood, community and site issues.

[MC BoS RES 15-043 No.7 April 28, 2015]

refers to the SC LUAC by its old (pre-January 2009) name, and calls it the “Bradley-Parkfield LUAC.” The Civil Grand Jury also found that the Board’s Resolution is a central document used by RMA Planning to train new planners on the roles and responsibilities of the LUACs. The Civil Grand Jury concluded that this mix-up is a built-in confusion point about LUACs. While all planners will likely “connect the dots” and realize that the Bradley-Parkfield LUAC is simply an out of date name for the current SC LUAC; it is also possible that a new planner might initially, mistakenly refer to the Board’s Resolution and then assert that there is no SC LUAC. If this error were not recognized by supervisors, then a Staff Report could be generated with that mistake in it and, more importantly, a LUAC could be bypassed.

The Civil Grand Jury investigation concluded that the planner involved with PLN 180317, with just over two month’s local experience at the time the application was tasked, and with no prior cell tower application experience in the County, was initially unaware of the existence of the SC LUAC, likely because of the Board Resolution error and the RMA Planning training approach mentioned above.

The Civil Grand Jury investigation also concluded that the RMA Planning managers, on the other hand, were aware of SC LUAC’s existence, but in this case did not review this application with professional diligence. For example, the Application’s draft resolution Finding 2.g) claimed:

The project was not referred to a Land Use Advisory Committee (LUAC) for review because this project is located within the South County Area Plan, which does not have an established Land-Use Advisory Committee.

If it were read at all, this sentence appears to have been misread by managers. This type of inattention is puzzling and unacceptable--even though the planning manager was overseeing three projects at that hearing (including another cell tower) and simultaneously coordinating for a future hearing item as well.

The Civil Grand Jury next turned to the planner’s reply to the Zoning Administrator’s question during the public hearing. The Civil Grand Jury considered this question

because during the hearing, the Zoning Administrator's mention of the existence of a SC LUAC did not cause the RMA team to pause, or to mention the LUAC, or even to seek a continuance. In short, the Civil Grand Jury investigated why that wrong answer was provided.

When to LUAC

It is important to note that LUACs are advisory committees. They have no approval authority, nor do they have any quasi-judicial powers like some jurisdictional boards or commissions. Nonetheless, they are an important public participation mechanism.

The LUAC Guidelines (see above text box) have two attachments. One is titled "Exhibit A." This Exhibit is the Board of Supervisors' standards for how and when LUACs should review land use applications. Paragraph one of Exhibit A lists four conditions, or types of requests, under which any land use application shall be sent to a LUAC for its review (not approval!).

For PLN 180317, the necessary conditions were listed in paragraph 1(d), which states (sections omitted): "The applicable LUAC shall review projects that require the following: a)... b)... c)... d) *Design Approvals* for projects subject to review by the *Zoning Administrator* or Planning Commission." (emphasis added)

PLN 183017 was a Use Permit request that included a necessary *design approval* in accordance with County wireless communications code (MCC 21.64.310). That was the first trigger. In addition, the Application designated the *Zoning Administrator* as the approval authority, citing the same code (MCC 21.64.310.I.1). That was the second trigger. These two factors made this a project that required review by the SC LUAC . The preceding logic is simple and clear, but the Civil Grand Jury investigation discovered that, at the time of this application, there was confusion among some RMA planners about the scope and limits of LUAC participation.

Planner Confusion

The Civil Grand Jury noted that RMA Planning Managers, when interacting at Hesperia Hall on August 28, 2019 with the concerned, puzzled South County community about the new cell tower construction, were explicit and *not* confused in declaring that, according to the LUAC Guidelines, the Application absolutely should have gone to the SC LUAC for comment.

However, subsequent Civil Grand Jury interviews with RMA staff found that some planners privately asserted that, at the time of this application, LUAC reviews were perceived by some as more of “a courtesy” and “not really required.” The Civil Grand Jury concluded that, at the time of the Application, the belief that some applications could be routed to a LUAC as a courtesy blurred the fact that some applications must be routed to a LUAC as a requirement. In the case of this Application, the Civil Grand Jury concluded that this was one of two reasons why the planner asserted that this Application did not need a LUAC review in response to the Zoning Administrator’s question during the October 25, 2018 public hearing.

The other reason that the Civil Grand Jury concluded was a likely cause of planner confusion in the case of this Application was the organization of RMA Planning permits. Planning permits in RMA Planning are divided by type into nine different categories (Amendment, Cannabis, Certificate of Compliance, Design Approval, Discretionary, Extension, Minor, Phase, and Tree Removal). Some categories, including *design* approvals, have separate tracking codes (DA #####). Conversely, Use Permits are processed as *discretionary* permits and are tracked using the PLN ##### series.

When a new planner sees an application like PLN 180317, a discretionary (PLN) permit for a cell tower, that new planner may conclude that the application does not include a design approval --because it is not a “DA” series application. Next, since the LUAC Guidelines (paragraph 1.d.) require a LUAC review for *Design Approvals* (see above discussion), that planner may also conclude that this is “not-a-design-approval” application (PLN 180317), and therefore it does not require a LUAC review.

This logic is not unsound, except that Use Permits for cell towers *do* require a design approval, but only as a part of the County’s wireless ordinance (MCC 21.64.310) approval process for the Use Permit, and not as a separate permit. The Civil Grand Jury determined that this was the second factor that prompted the planner’s reply.

The Civil Grand Jury also noted that, since August 28, 2019, RMA Planning managers appeared to have clarified, by action and by education with staff, that LUAC Guidelines’ paragraph one conditions are a minimum standard and not a limiting factor for LUAC referrals, and that reviews to LUACs are not a courtesy, but are a responsibility to consider for all appropriate land use applications.

B. Losing Sight of the Alternatives (F4)

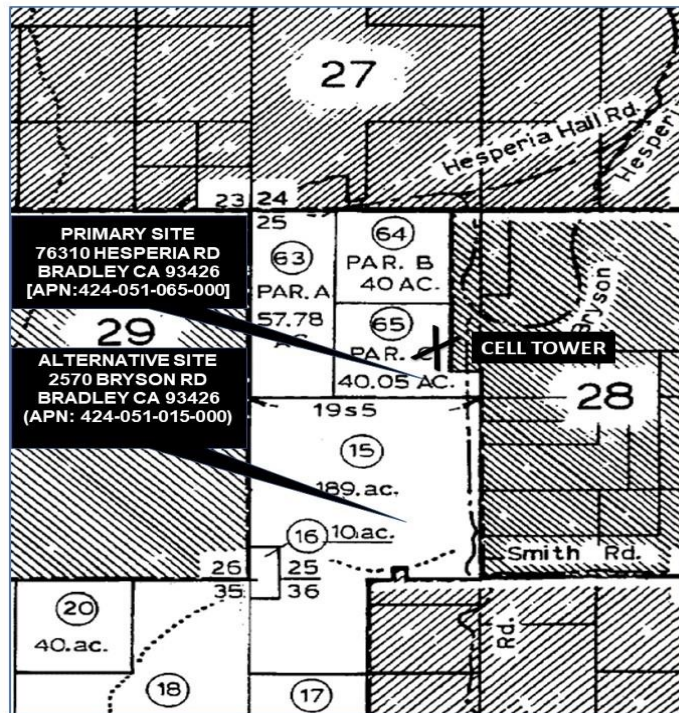
The Civil Grand Jury concluded that the analysis accepted and used by RMA planners for the Application’s alternative site was inaccurate. It was the second consequential RMA planner mistake,



and it undermined the chance for the Application to be done in a positive, win-win manner. Moreover, the Civil Grand Jury found that, in post cell tower construction assessments of this facility, the alternative site considerations have been downplayed, if not ignored. PLN 180317 stated that the alternative site was 2570 Bryson Road, Bradley CA 93426. County records show this as APN 424-051-015-000, but there is a confusing aspect to this location. Although the alternative site’s street address is 2570 Bryson Road, the actual property is just next door to the primary site (76310 Hesperia Road, APN 424-051-065-000). Both properties are on the same Hesperia Road. This confusing factor did not justify, but might help explain, how the alternative site considerations were bungled.

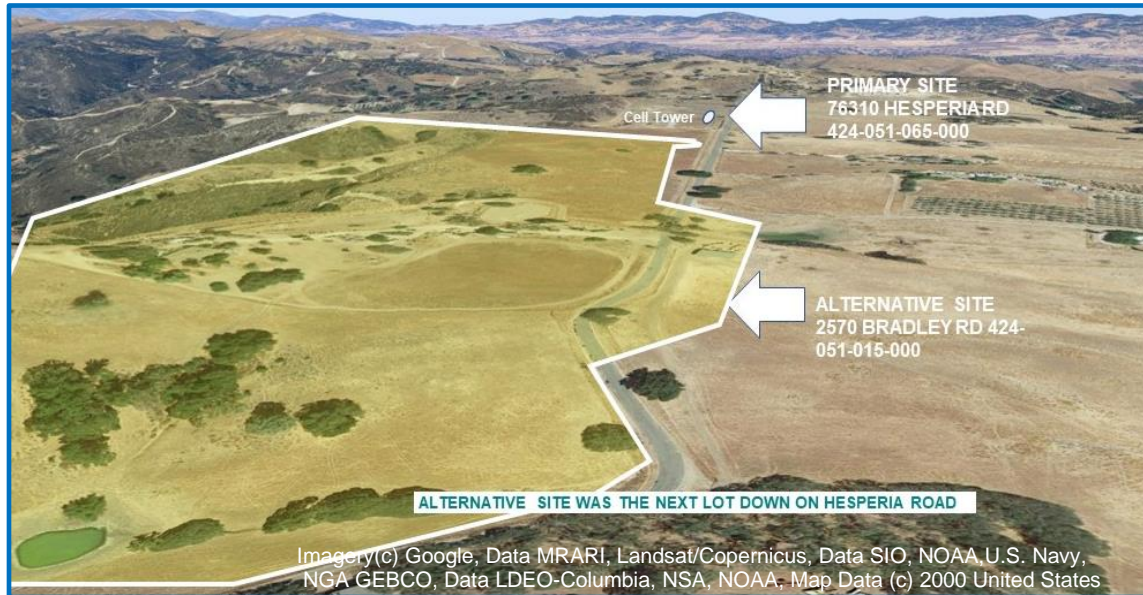
The Bryson-Hesperia area’s local road network is straightforward and developed, but that normalcy does not translate into straightforward house numbers, or even consistent address identifications. 2570 Bryson Road is one such case.

The Civil Grand Jury investigated the alternative site's address at 2570 Bryson Road, Bradley CA 93426 by conferring with local area residents, exploring the local environment, and then researching Monterey County property and tax records. These actions confirmed that 2570 Bryson Road, Bradley CA 93426 is APN 424-051-015-000. It was the alternative site for the Application. The address on the roadside-mailbox for that property is simply 2570.



Parcel Map of Primary & Alternative Sites
(With cell tower approximate location)
County of Monterey Assessor's Map
Book 424 Page 05

RMA Planning’s staff report for the Application dismissed the alternative site in two sentences: “*The applicant evaluated an alternative site located at 2570 Bryson Road, Bradley. Unfortunately, due to the mountainous terrain access and road constraints the proposed site was not physically feasible for the construction of the proposed tower.*” (Staff Report, page 2).



After taking actions to understand and confirm the correct location of the alternative site, the Civil Grand Jury investigated the alternative site. Members walked approximately 1500 feet down the *flat, accessible* Hesperia Road from the primary site to the alternative site and did a thorough, firsthand visual examination of the *physical feasibility* of the 2570 Bryson Road property.

According to at least one County report, this alternative site is a lot of 186 acres in size and is more than four times the size of the primary site (44.702 acres).

Both sites have open pastureland on the same Bryson-Hesperia plain (approximately 1575 feet elevation). Just as both sites also have significant amounts of property on the supporting ridge to the west. Both properties spill over the western slopes leading to badland or valleys.

The County soil reports, which are public records, show that both sites share similar types of soil, and near-identical slopes. The alternative site provides: more area with each type of soil, each type of grade, and even each terrain type. Both sites provide flat and road-ready access. The alternative site has several internal, unimproved range roads.

In short, the Civil Grand Jury's firsthand, local area investigation was unable to authenticate "mountainous terrain access" or "road constraints" as asserted for this alternative site. The Civil Grand Jury concluded that (1) both sites shared similar terrain, and that (2) the alternative site provided more woodland, and more wooded backdrops for natural concealment or (partial) horizon mitigation. Not only was the alternative site less than a third of a mile from the primary site, it also shared the same topography, the same main road access, and even the same utilities as the main site.

Because of these factors, and because of the complete absence of any applicant or RMA Planning alternative site coverage maps, alternative site planning data, or any alternative site technical or specific terrain data that invalidated the alternative site, or even any direct pictorial evidence that simply supported the one sentence critique of that site,¹ the Civil Grand Jury concluded that information provided to reject the alternative site was erroneous.

This Civil Grand Jury investigation cannot determine whether this erroneous information was provided willfully or negligently. Nor can this Civil Grand Jury determine whether this erroneous description of the alternative site's access and road conditions is "*false material information*," as the term is used in Monterey County Code 21.70.070 (Revocation). However, the Civil Grand Jury recommends that the RMA Director investigate these questions.

¹ The Zoning Administrator's Public Hearing briefing (slide four) also shows a notional alternative site (Loc: 35.811832, -121.064535) in the approximate center of the 2570 Bryson Rd parcel. No technical or validating information was referenced or included.

This Civil Grand Jury did conclude that the analysis of the alternative site, as accepted by the RMA staff and presented to the Zoning Administrator for this application, was a significant and unrecognized mistake.



**PRIMARY SITE, WITH CELL TOWER,
LOOKING SOUTH TOWARD A TREELINE
ON THE ALTERNATIVE SITE**

C. Unnoticed Public Notice (F5)

Public noticing for this application was done in accordance with the MCC 21.78.040.A, which stipulates seven required noticing conditions. The conditions most relevant to PLN 180317 were the following four requirements (other numbers omitted):

“A.1. Notice of the public hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to the owner of the subject real property...and to the project applicant.”

“A.3. Notice of the public hearing shall be mailed or delivered at least ten (10) days prior to the public hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the public hearing.”

“A.4. At least three public hearing notices shall be clearly posted at three different public places on and near the subject property. The notices shall be accessible and visible to the public.”

“A.7. If the public hearing notice is mailed or delivered pursuant to Paragraph 3, the notice shall also be published in at least one newspaper of general circulation within the area at least ten (10) days prior to the hearing.”



**Monterey County Weekly,
Notice in Oct. 10-17, 2018
Page 59 (classifieds)**

All these things were done.

This Civil Grand Jury investigation found that at least one of the “300-foot owners” claimed not to have received any mailed notice of the public hearing. Yet, the Civil Grand Jury spoke with other local residents and neighbors, who either “had a sense that something was going on” at the primary site property due to the posted notices, or (as neighbors) did receive the RMA Planning’s public hearing notice.

Based on all collected information, the Civil Grand Jury’s assessment of the local situation prior to the hearing was that some residents seemed to be aware that something was going to occur on the primary site. However, the details –that a 120 foot cell tower with twelve (12) six-foot tall panel antennas, twenty two (22) remote radio units, four (4) DC surge compressors, one (1) microwave dish antenna, and one (1) back-up Diesel Generator set in a 900 square foot area protected by a seven foot high

wooden fence would soon appear over Hesperia, were completely missed and unexpected.

Based on Civil Grand Jury investigation, it is likely that less than 20 local residents may actually have been aware of the specifics of the Zoning Administrator's hearing prior to October 25, 2018.



PLN 180317 Public Hearing (10/25/18)

One neighbor did know enough to drive the 80 miles and attend the public hearing on October 25, 2018. That neighbor spoke forcefully against the application for himself, and on behalf of his community. Three minutes and thirty-two seconds later, the project was approved. Nine months later, when the cell tower was raised in the space of days, most of the community were perplexed.

It was only after the tower emerged from the ground, and overwhelmed the Bryson Hesperia Plain along Hesperia Road, that the community finally understood. At that point they reacted as a community to find out what had happened and how it had happened. The Civil Grand Jury examination found that some people also sought to undo the tower, to have it taken down. However, that effort appeared to be stillborn, and had no traction among County staff.

The Civil Grand Jury has concluded that public noticing on the property drew some attention, but not sufficient attention, to the project. Property postings, done according to code, were relatively small in that expansive, rural setting. The occasional passing resident would find little incentive to stop, park on Hesperia road, climb up the bank on the side of the property, and try to read the public hearing flyer.

Not one of the residents of that South County area who met with the Civil Grand Jury said that they had read, or even noticed, the official hearing notice published in the Monterey County Weekly during the week of October 10 -17, 2018. Some stated that they did not read that paper, ever.



Tuesday, August 6th, 2019 Tower Construction

It is the Civil Grand Jury’s conclusion that the code-compliant public noticing effort for this application fell short in informing or stimulating public awareness in that rural, remote South County community.

The Civil Grand Jury next sought to investigate this issue from the perspective of County officials, and RMA planners. Results varied. Some respondents asserted that complying with the public noticing code was all that was necessary, and that no additional steps should be taken because they are not required. Moreover, because this approach was done County-wide, it should be considered “effective.”

Other respondents, both junior and senior, viewed noticing differently. One described noticing by saying “you can never over-notice,” meaning “the more the better.” A more junior staffer stated that it was case dependent: if the issue were routine, then routine noticing was good, but if the issue were not routine then more noticing was warranted. That staffer noted that impartiality was even more important if extra noticing were done.

That staff member emphasized that the optic of being impartial and professional for a project could be compromised if sloppy, or one-sided extra noticing were attempted.

Finally, the Civil Grand Jury compared the State code for public noticing of hearings (CAL GOV Title 7 65091(A)) with the County's public noticing of hearings code (MCC 21.78.040.A). The State code has five sections, while the County's code, as mentioned above, provides seven conditions.

The Civil Grand Jury found that the County code matched the State code well. However, CAL GOV Title 7 65091(A) also includes a paragraph (5)(c), which states: *"In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable."*

This provision is absent from the County code. Its absence may not technically affect County considerations on public noticing, but the Civil Grand Jury concluded, based on the findings of this investigation, that adding this provision to County's code would be a constructive recommendation. The explicit inclusion of this provision would reaffirm to planners and to all public managers and staff that they do have flexibility or discretion to "over notice," if warranted. Doing more than just abiding by the seven conditions in MCC 21.70.040.A may be a necessary action.

The Civil Grand Jury not only concluded that public noticing as regulated by State and County code was ineffective, but that the required noticing methods simply will not work for rural communities like those in South County. Something more must be added.

For PLN 180317, the lack of effective public noticing was a significant contributing factor to the absence of public awareness and public participation in South County for this tall, landscape-changing project.

The Civil Grand Jury concluded that including the above-referenced State code provision, coupled with explicit RMA Planning division encouragement to planners to make dynamic use of social media in rural environments serviced by LUACs, would not only be more public noticing, but would possibly be more effective public noticing. It would be a credible measure that could reach those missed by traditional methods.

Finally, the Civil Grand Jury recommends that RMA Planning division encourage -- and support, applicants to conduct orientations, introductory town halls, or public meetings to socialize and explain significant projects and to gather positive suggestions and feedback in advance.

These steps were not done for PLN 180317, and the results left the community unaware of the project and unsatisfied with the results.

D. Confidence Eroding Measures (F7, F8, F9)

The Civil Grand Jury's review of PLN 180317 found misstatements and omissions. These compelled us to review what was being asserted and what the effects of those assertions were in this application. The Civil Grand Jury's concern centered on the understanding that for any public report, especially those being used to support administrative or quasi-judicial decisions, inaccuracies and omissions undermine the credibility of both the document and any decisions based upon that document.

In addition to mistakes concerning the South County LUAC and the botched analysis of the alternative site, other errors eroded the Civil Grand Jury's confidence in the staff report, and in this permitting process. Some (but not all) examples follow.

An observable error, missed in all supervisors' reviews of the Application, was the staff briefing's assertion that the nearest cell tower to the proposed site was about 17 miles away on Highway 101.

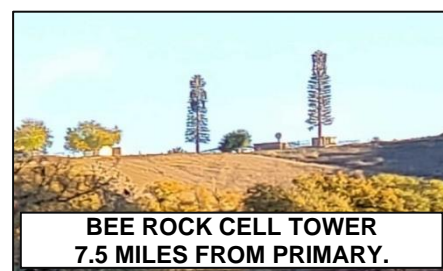
This was yet another inaccuracy in the application.

This seemingly trivial assertion was actually a significant misrepresentation of the South County local cellular topology.



Civil Grand Jury on-site inspections found that at least three cell towers were closer to the primary site than the reportedly “closest tower.” One dual tower (loc: 35.777661, -120.939351)² was only 7.5 miles from the primary site for this project. Others ranged between 10.4 miles (loc: 35.951913, -121.001724) and 14.8 miles (loc: 35.956399, -120.858729) distance. Civil Grand jurors noticed yet other towers in the local area, but after confirming that multiple towers existed that were between 13% and 56% closer than reported closest tower, the point was established.

The Civil Grand Jury determined that even this simple error had negative effects. It restricted any genuine consideration for alternative locations. It stifled genuine examination of existing local cell towers for comparative models of appropriate (or inappropriate) siting/ locations or designs. It also stimulated local puzzlement.



The Civil Grand Jury interviewed several local residents who disagreed with the staff report’s assertion that no tower was closer than 17 miles. Several mentioned “the Bee Rock tower” (this tower also was mentioned in the October 25, 2018 public hearing).

The misrepresentation of the actual conditions on the ground in their community, especially to justify a project of which they had been unaware, fostered a sense of mistrust and doubt in some. Their suspicions focused both on the new cell tower and on RMA Planning. These attitudes and concerns were visible in part at the public hearing and corroborated later in subsequent Civil Grand Jury interviews.

For the Civil Grand Jury, the question was: how could planners prepare applications without ensuring their staff work was accurate?

One mitigating factor in this application that was considered by the Civil Grand Jury, but which did not justify such errors, was distance. RMA planners preparing PLN 180317 were 80 miles away from the site. The Civil Grand Jury could confirm only one planner

² For specified locations, this report uses Decimal Degrees (dd) and World Geodetic System, 1984 (WGS84) datum

visit to the site prior to the public hearing --and no supervisor visits until after the tower was built. The Civil Grand Jury did confirm that the planner visited the 17-mile distant (“closest”) cell tower. This planner visit underscored the conclusion by the Civil Grand Jury that the requirement to understand a remote, rural area with plains, valleys, hills, rivers and badland—especially in the context of a major, area-changing local project, demands more than one quick or routine staff visit. Even the Civil Grand Jury required multiple trips to gain appropriate awareness of actual conditions on the ground.

The Civil Grand Jury determined that the appropriate and necessary level of local research and preparation was not done by RMA planners, and not required by RMA Planning managers. The Civil Grand Jury recommends creating or amending RMA Planning staff procedures to require more in-depth and early planner visits to remote rural areas, especially when significant projects are considered for those areas. Such visits must augment, not replace, LUAC recommendations.

Another example of significant error in the staff report for the Application was in the (required) Radiofrequency Electromagnetic energy (RF-EME) report. This report asserted: “There are no microwaves installed at this site” (Exhibit F, page 10). This, too, was false.



PLN 180317 Microwave Dish Antenna

In the RMA-prepared application package, just a few pages back from the RF-EME report’s assertion, the draft Resolution noted that the tower had one microwave dish antenna (Exhibit C, Draft Resolution para.1). The Civil Grand Jury investigators confirmed its presence after construction.

The Civil Grand Jury recognized that microwave dish antennas, like other highly directional antennas, have relatively little contribution to effective radiated power (ERP).³ However, FCC guidance⁴ also states that all but categorically excluded devices

³ FCC OET65. 1 Aug 1997. pp. 26-27.

⁴ FCC OET65. 1 Aug 1997. pp. 32-33; 47 (CFR) § 1.1307(b) & (b)(1) and Table 1

and sites are to be included in computing compliance. The microwave dish antenna was not an excluded device.

The RF-EME report for the Application simply did not model or compute the MPE levels for this microwave dish antenna.

Not only was this a careless approach that was missed by planners and Planning managers alike, it also did not conform with a sample of recent RF-EME reports from around the State that the Civil Grand Jury reviewed for comparison. In those reports, the Civil Grand Jury found that including microwave dish antennas (where they existed) was a common reporting practice.

The Civil Grand Jury also discovered that MPE computations for microwave dish antennas cannot be done by using (most) modeling software. If the microwave had been included, its effects typically would have to have been manually computed. (Staff Report, Exhibit F page 10 (note); FCC OET65,1997, pp. 44,50)

The Civil Grand Jury found this initial RF-EME report concerning because it missed one antenna and failed to include radiation power data from that antenna in calculating MPE levels for the site. The Civil Grand Jury also concluded that no careful review of this report was made by RMA planners, RMA Planning managers, or even the Zoning Administrator in reviewing and approving this project. It was one more element that weakened, rather than reinforced public trust in the Application process.

The final or operational RF-EME report reviewed by the Civil Grand Jury provided a better result. That report directly measured (not modeled) the emissions on the now-operational site (See appendix B). It also provided details on all antennas, except for the

What is a Radio Frequency Electromagnetic Energy (RF-EME) Report?

An **RF-EME** evaluation is a compliance certification required by 47 CFR Parts 1, 2, and 15, et al. Ch 1. § 1.1307(b).

New, modified, and renewing wireless communications facilities must prepare an environmental assessment (EA) for **radio frequency electromagnetic energy** (RF-EME) exposure, and certify that the effective radiated power (ERP) of a facility complies with FCC limits for human exposure (maximum personal exposure/ **MPE**) to radiofrequency radiation (IAW 47 CFR §§ 1.1310 and 2.1093).

Some equipment (sites) have categorical reporting exclusions. Generally, all transmitters of a facility must be included (47 CFR §1.1307(b) & (b)1).

microwave dish antenna. (The RF-examiner who prepared that report noted its presence, but knew nothing about it, beyond the visual identification of its height on the tower.) Because the emissions data were measured for the entire site, the results this time did include that microwave dish.

The actual results were (predictably) within FCC required guidelines and close to those provided in the (incomplete) initial RF-EME report. (see Table One)

Table One PLN 18-0317 RF-EME Reports (before approval & post operational)		
RF-EME Report	FCC general public limit	FCC occupational limit
BEFORE: 06-15-2018⁽¹⁾ (modeled /ground level)	3.20 % of the limit	0.64 % of the limit
AFTER: 02-04-2020⁽²⁾ (measured /ground level)	2.2370 % of the limit	0.7111 % of the limit
(1) See Appendix A (2) See Appendix B		

While the Civil Grand Jury was reassured by the confirmation of the cell tower’s compliance, we cannot endorse or validate an incomplete approach toward technical safety, especially when it was used to support decisions for such a significant project.

The Civil Grand Jury recommends inclusion of a post operational RF-EME survey by a certified RF engineer and at applicant expense for all Cell towers planned or approved by the County as a best practice. This survey should be included as a condition of approval or updated into MCC 21.64.310 as an element in the wireless communications facilities code.

E. Considering Local Views and Character (F6, F10)

The Civil Grand Jury concluded that the staff report for the Application deflected meaningful consideration on the appropriateness of the proposed cell tower's location with its references to "*designated public viewing areas.*"

In both the staff report ("*There is no designated public viewing area, scenic corridor, or any identified environmentally sensitive area or resources.*" page 3) and in the draft resolution ("*The project will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources.*" page 4) the absence of a designated public viewing area was a characteristic used to reinforce the validity of the primary site.

The term "designated public viewing area" appears as a standard condition for approval on RMA Planning land use applications. However, it was not defined in any of the County current references that were made available to the Civil Grand Jury.

This was puzzling, and when asked by the Civil Grand Jury, RMA Planning managers and planners could not point to any official County definition for "designated public viewing areas" in any County references. This is significant.

In contrast to "designated public viewing areas," the County code has *special terms* like "scenic corridors," "environmentally sensitive areas," and "historical districts." All these are specific terms with specific meanings. These terms are carefully used to deny, or to shape how projects can be placed in certain areas.

After concluding staff interviews, and reviewing all code and area plans for the County, the Civil Grand Jury determined that the term "*designated public viewing area*" was being used like the above-mentioned *special terms*. For PLN 180317, since Hesperia Road and other nearby roads were not recorded as "*designated public viewing areas*," the placement of the cell tower, even at its 120 feet in height, would be less problematic. After reviewing other parts of the County code, however, the Civil Grand Jury disagreed with this connotation.

The Civil Grand Jury looked at MCC 21.06.195, which defines "*Common public viewing areas.*" Public viewing areas are: "*a public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.*"

Based on MCC 21.06.195, the Civil Grand Jury identified a public viewing area approximately 16 feet in front of the tower's location. It was (and is) the named public road --Hesperia Road. In addition, the Civil Grand Jury identified public viewing areas on nearby Smith Road and on nearby Bryson-Hesperia Road. All were common public viewing areas. (But the private property in the same area was not--this applies only to public areas.)

The Civil Grand Jury determined that, instead of using an unreferenced term found only on RMA Planning approval forms (designated public viewing areas), it would have been more appropriate, and better conforming to Monterey County Code, for the RMA planners and Monterey County approving officials to have applied the standard found in MCC 21.64.310 H 1.e. This standard requires that cell towers be "...screened from any *public viewing areas* to the maximum extent feasible" (emphasis added).

The Civil Grand Jury concluded that, to comply with this section of the County's Code, this cell tower should have been located, to the maximum extent feasible, in a screened location. Based on Civil Grand Jury onsite investigations, this may have been possible on another portion of the primary site property, but it was extremely likely, had the (larger) alternative site been considered. This diligence to the code was not done at any level by RMA Planning and does not appear to have been earnestly considered in review as well.

The staff report (page 3) for PLN 180317 further suggested that the camouflage on the tower would suffice. It noted: "*Where visible, the mono-eucalyptus would appear in character with the surrounding mature trees and would not be easily recognizable as a wireless communications facility.*"



**HESPERIA ROAD VIEWSHEDS TWO VIEWS:
FACING AWAY & FACING TOWARD THE CELL TOWER**

This was another inaccurate assertion.

The Civil Grand Jury considered this staff report judgment in the context of grand jurors' on-site examinations at different locations in the area, local area photos, and observations provided by local residents who were interviewed.

All these perspectives unanimously rejected the premise that the cell tower was "in character" with any of the surroundings. The Civil Grand Jury also rejected the proposal that the cell tower would not be "*easily recognizable as a wireless communications facility.*" The Civil Grand Jury was puzzled how an official County report, especially one used by decisionmakers for a project, could proffer so blatant a misstatement.

The Civil Grand Jury then inquired into how this location, and the final design, were managed and decided during the application process.

The results of Civil Grand Jury interviews with RMA personnel on this aspect provided mixed insights. Some dismissed questions about the location, because they believed it was the only acceptable location for the applicant. Others appeared sensitive to this miscalculation but tendered few thoughts. Yet others in the RMA Planning division provided indifferent replies to the question.

The Civil Grand Jury's conclusion on the siting / location for the PLN 180317 was that an inappropriate location was approved by the Zoning Administrator. The location was inappropriate because, as situated and designed, the proposed cell tower failed to meet multiple site and design conditions of MCC 21.64.310 including: E.2 (has local citizen input on impact and alternative sites), H.1a (preserve visual character, aesthetic value of parcel and surrounding land), H.1c (not sited to create clutter & negatively affect specific views), H.1d (designed to minimize visual impact), H.1e (screened from any public viewing areas), H.2d (designed to mitigate potentially significant adverse visual impacts), and J.3 (complies with all applicable requirements of 21.64.310).

As a result of these multiple failures to comply with MCC 21.64,310's guidance and direction for design and siting, this application did not meet a required finding for Use Permits as listed in MCC 21.74.050.B.1 (will not be...detrimental or injurious to property and improvement in the neighborhood.). As proposed, this application should not have been approved.

The Civil Grand Jury determined that this primary site location, an inappropriate location, was permitted by RMA Planning in part because of a lack of technical expertise by some planners, in part because of a lack of RMA Planning manager sensitivity to the magnitude of this project in relation to the rural Hesperia plain, and finally, in large part, because of the failure to consider the alternative site as discussed in a preceding portion of this report.

At least two of those miscalculations, local insensitivity and alternative site considerations, could have been lessened by sending this application to the South County LUAC, where it would have been reviewed for design and local considerations—including location.

The Civil Grand Jury, however, did discover that a positive outcome was mined from these challenging circumstances.

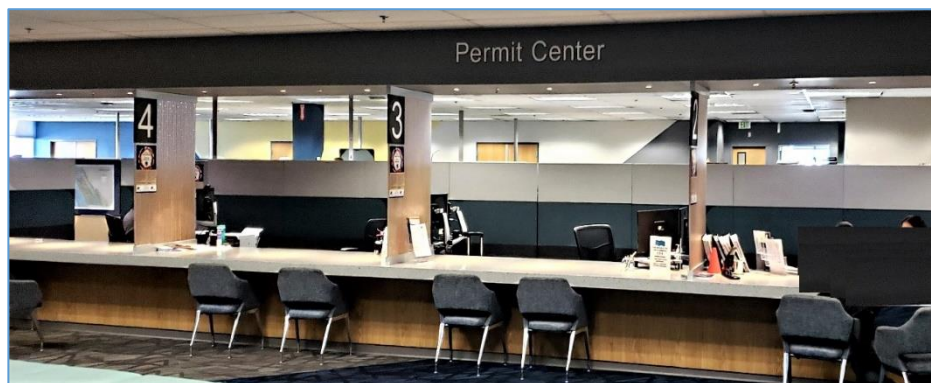
RMA Planning managers seized on the presence of the final cell tower itself as an example of the difference between how a project develops or appears in an application, or in the RMA planner's office, and how a project truly appears, or turns out on the ground.

In early September 2019, these managers conducted a staff visit to the cell tower site with all RMA planners. This staff site visit was not to blame or investigate, but to teach and share the lessons that all planners must learn if they are to manage projects that influence communities and affect environments.

However, by making PLN 180317 into a cautionary tale for learning, the RMA Planning managers were implicitly validating the scale of errors that were made in approving this cell tower's location and design. The Civil Grand Jury recognizes that future benefits likely will accrue to South County and other County communities and applicants by these managers' initiative.

Yet, the Civil Grand Jury must also highlight that the inability of RMA Planning to remedy this current cell tower's negative effects on both the rural character and aesthetic charm of the Bryson-Hesperia area will carry on into the future as well.

F. RMA Planning (F8, F9, F10, F11, F12)



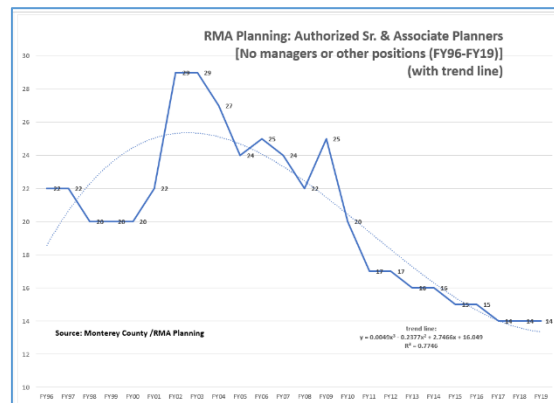
RMA PLANNING - THE PERMIT COUNTER

In investigating PLN 180317, the Civil Grand Jury also reviewed the organization of RMA Planning's Current Planning division, with an emphasis on the planners.

This division is "responsible for reviewing land use and development proposals and permit requests for consistency with the County's adopted land use policies and regulations and taking the appropriate action on these requests." The major portion of the division's complex and varied work is performed by Land Use Planners, commonly called planners.

The Planner Position

RMA Planning has three classifications for planners: Senior Planners, Associate Planners, and an Assistant Planner. RMA Planning manages these planner positions under two planner authorizations: Senior Planners or Associate Planners. The authorized numbers for each position vary year to year. The Civil Grand Jury found that the trend for authorized (combined) planner numbers has been nothing but downward since 2009.



RMA PLANNING (COMBINED) PLANNER AUTHORIZATIONS BY FISCAL YEAR

Planner workloads, however, appear high.

At the time of PLN 180317 (and now)

each planner was responsible for a large number of applications. Civil Grand Jury

research suggests that, in 2018 (and currently), each planner had on average between 50 and 100 open applications on their desk at any one time throughout the year.

Planners personally managed each of these applications through the entire approval process.

At the time when PLN 180317 was submitted (June 15, 2018), RMA Planning had 13 on-hand planners against an authorization for that year of 14 planners (not counting supervisory managers, or other staff). This was 93% of the authorization, and the average experience level for planners was about five years and seven months.

Superficially, these figures appeared sound. However, a qualitative look by the Civil Grand Jury was disconcerting.

The on-hand number (13) of planners was only 76% of RMA Planning's 10-year average planner authorization (17). Moreover, the on-hand number was only 44.8% of RMA Planning's previous high authorization year (2003) for planners. In that year, RMA Planning was authorized 29 planner positions. The numbers suggested that RMA Planning was doing more with fewer "rubber-meets-the-road" planners.

The Civil Grand Jury's qualitative review of the current cadre of planners revealed an even more troubling truth: On June 15, 2018 (when PLN 180317 was submitted), five planners, or 38% of all RMA planners, had been in RMA Planning less than 90 days. The number of planners authorized for RMA Planning was not only the smallest number in 23 years, but it also appeared to be a time of one of the least locally experienced cadres.

Nonetheless, when the Application was submitted, RMA Planning managers could have assigned this cell tower application to one planner with 23 years of experience. Alternately, they could have selected a planner with 15 years, 13 years, 11 years, or even 4 years of experience. Those were RMA Planning's five locally experienced planners.

Instead, RMA Planning managers assigned the Application, a cell tower application in one of the most remote and rural parts of county, to one of the newest planners in the division. That planner, an Associate Planner, qualified by prior planning experience elsewhere, had worked only 74 days in this County when assigned this cell tower application.

The Civil Grand Jury assessed that, based on local experience, the planner choice for this application was an error in judgement by the managers.

The Planning managers made two misjudgments: (1) that cell towers, which had accounted for less than 10 of the thousands of permits processed during the years surrounding this application, were routine projects and (2) that local experience was a

minor qualification in assessing the appropriate assignment of a complex land use application for a remote rural community with scenic views and a unique character that were little changed since the area was settled hundreds of years earlier.

The Civil Grand Jury determined that RMA Planning managers' misjudgments directly fostered the environment for the defective results of PLN 180317, including the inappropriate choice of cell tower location, and the inadequate cell tower design for the local environment.



BRYSON - HESPERIA BEFORE

The Civil Grand Jury also found that RMA Planning division, managers and planners, made no mindful effort, beyond the routine noticing mentioned above, to ensure that the community was even aware of this upcoming major project. On the contrary, RMA Planning division eschewed a necessary review by the South County LUAC for this tower (as detailed in preceding sections). RMA Planning managers and planners did not anticipate, or appear concerned about, local input and reactions to the project. That was the case until the District Three Supervisor requested their presence in a meeting with the community in Hesperia Hall on August 28, 2019.

The RMA Planning Permit Application

In addition to the organization, the Civil Grand Jury also examined RMA Planning's "application checklist for land use and development application" for this type of project. The application is long, approximately 13 to 15 pages. The application also included

(then and now) different project add-on sections for various types of projects, including an add-on segment for processing cell tower applications. The basic document was flexible and comprehensive. However, the add-on segment for processing cell tower applications was (and is) out of date.

In RMA Planning, regardless of whether a cell tower Use Permit request is for a standard big tower, a classic colocation, a (new) small facilities request, a small facilities colocation, a distributed antennas system (DAS), or even a Section 6409(a)/eligible facilities request, the application form add-on sections were exactly the same.

Moreover, the form had no provisions to track any of the four current FCC shot clocks (two at the time of the application), or to manage the FCC's unique application processing rules that determine the start time for an application's processing clock (not the jurisdiction). The cell tower add-on to the application form also did not account for FCC "one-pass" rules that permit jurisdictions just one short window to identify *all* errors for a cell tower application after submission.⁵

Adjusting and processing a cell tower application for all of these differences was (and is) simply done ad hoc by each planner. This can happen only if that planner understands the different applicable conditions.

The Civil Grand Jury concluded that using an application with "stale" or out of date wireless communications facility add-on elements increased planner confusion. This condition also denied the planner currently available, and essential, information that could have given the planner more situational awareness of what could and could not be adjusted in processing PLN 180317. The Civil Grand Jury further concluded that this limited technical experience could have been overcome or lessened if the planner had access to a consultant to help review and to advise on technical issues for the Application.

⁵ FCC 47 CFR Part II. Third Report and Order.(Oct.15, 2018). paras 44-76 pp.51873-78

External Expertise

Unlike many jurisdictions, Monterey County wireless code (MCC 21.64.310) does not include provisions for planners to request external consultants to aid on technical issues or challenges *at applicant expense*. The Civil Grand Jury noted that RMA Planning has directly engaged consultants under certain circumstances; but in response to Civil Grand Jury questions, some RMA personnel seemed surprised that, as a matter of approval conditions or even in the local code for some jurisdictions, RF engineers or similar consultants for wireless communications facilities issues could be planned for and provided at applicant expense.

The Civil Grand Jury determined that for PLN 180317 no external contractor/expert supported the review of this application. Also, if an RMA planner had required external technical support, it would be an extra cost, and one not able to be passed to the applicant while processing the application.

The Civil Grand Jury concluded that, at the time of the Application, RMA planner high work volume, plus the complex nature of the (cell tower) requirements, plus an uneven understanding by planners of the range of FCC and state policies concerning cell towers, local character and aesthetics, were significant factors that contributed to the approval of a cell tower design and location that remains unacceptable to most if not all of the Bryson Hesperia Community.

G. RMA Planning Managers (F12)

RMA Planning managers were identified earlier in this report as a second point of failure (for the LUAC issue), and for their suboptimal decision in assigning PLN 180317. However, this report also noted their professionalism, when they seized the initiative to turn the wrongly placed tower into a teachable moment. They also must be credited for being resilient and sensitive to community feedback on the Application in another way.

As was mentioned in preceding sections, when RMA Planning managers met with local residents to discuss the Hesperia Road cell tower, those managers agreed that they

had mistakenly failed to pass the Application to the LUAC. These managers also offered some technical considerations that the community could consider for future applications for cell towers in the area. They also offered to try and work with the applicant to adjust the tower's appearance to make it more appealing, or less unappealing, to the community.

Local residents interviewed by the Civil Grand Jury all stated their appreciation for the opportunity to contact and dialogue with RMA Planning managers. However, these managers' advice, and the options they proffered to that community were viewed as technical and somewhat confusing. The practical value of the suggestions provided was questioned by some. In the end, the cell tower was never improved or changed at all.

Even so, RMA Planning managers still had some outreach actions ongoing with that South County community while this Civil Grand Jury investigation was being conducted.

On the other hand, the Civil Grand Jury investigation also revealed that these RMA Planning managers personally accepted the challenges and complaints from that South County community. They returned to their offices and conscientiously applied technical and managerial skills internally to ensure that RMA planners would be better. . . or at least not get into the same situation again.

Quantifiable metrics for this aspect are unavailable but Civil Grand Jury interviews from all directions—managers, planners, and others, provided some qualitative observations. These interviews suggested that RMA Planning managers personally sought first to reshape planner views on how the LUACs are incorporated into RMA Planning actions. Second, RMA Planning managers also appear to have intensified their own scrutiny and attention to detail for reviewing new applications, particularly those concerning cell towers. Finally, they reportedly have used in-meeting and post-meeting discussions with their planners to sensitize planners to the importance of their actions, and the value of doing their work well.

The most visible manifestation of this effort was mentioned above —the RMA Planning managers' staff visit to the cell tower site. A second confirmation of this intent is

ongoing still. It is another cell tower permit (PLN 190347) requested for a different area in the South County community. The Civil Grand Jury reviewed the process being applied to that application and noted that this new application already has gone to the SC LUAC for review. RMA Planning processing steps were found to be methodical if not timely. Yet a careful planner review of all elements, including the proposed alternative site, seems to characterize that application so far. RMA planning managers and the planners should be recognized for moving forward from this initial, regrettable Application situation. Their efforts to apply higher standards and to stress community-focused service in their complex work is an important measure to reassure our community that the manner in which RMA Planning processed PLN 180317 was an unfortunate exception.

H. Investigation Final Comment and Recommendations

This Civil Grand Jury investigation report concludes with comment and 11 recommendations. The failures of PLN 180317 to deliver a cell tower to an appropriate site in South County, or to seek any public support for that tower, was an avoidable outcome due to a breakdown in the standards of the RMA Planning permit process. However, two aspects lessen this otherwise defective result.

First, future towers in the South County area will have better attention, an inclusive process, and wise community input. Second, the Bryson Hesperia locale has more wireless connectivity today. This may be a bitter thought to some right now, but it also may be of vital help to both residents and travelers, who may find themselves in need of assistance.

FINDINGS

F1: The “gap-in-service” nature of this cell tower Use Permit request meant that a facility in some location in this South County area was required to be approved in order to comply with 47 U.S. Code §332. (c)(7)(b)(ii)).

- F2: The difference between the Board of Supervisors' Resolution 15-043 No.7 April 28, 2015 use of the name "Bradley-Parkfield LUAC" and the Monterey County official Website use of the name "South County LUAC" for the same LUAC, created confusion that contributed to an RMA planner's misunderstanding about the South County LUAC.
- F3: The RMA Planning draft resolution and briefing for the Application both inaccurately asserted that (1) South County had no LUAC, and (2) that the Application did not need to be sent to the LUAC for review. These errors denied a required hearing and stifled public voice on design and local considerations for a large, visible project.
- F4: The Application's one-sentence dismissal of the alternative site, *"Unfortunately, due to the mountainous terrain access and road constraints the proposed site was not physically feasible for the construction of the proposed tower"* was incorrect. As a result, a constrained and inappropriate site selection was approved.
- F5: The RMA Planning public hearing notices for this project complied with State and County code, but were structurally ineffective in providing the local community with reasonable awareness of the significant project being proposed for their South County community.
- F6: The approved cell tower failed to meet multiple site and design conditions of MCC 21.64.310 including:
E.2 (has local citizen input on impact and alternative sites),
H.1a (preserve visual character, aesthetic value of parcel and surrounding land),
H.1c (not sited to create clutter & negatively affect specific views),
H.1d (designed to minimize visual impact),
H.1e (screened from any public viewing areas),
H.2d (designed to mitigate potentially significant adverse visual impacts), and
J.3 (complies with all applicable requirements of 21.64.310).

As a result of these multiple failures, this application did not meet a required finding for Use Permits as listed in MCC 21.74.050.B.1 (will not be...detrimental or injurious to property and improvement in the neighborhood.) and should not have been approved.

- F7: RMA planners were not diligent or accurate in how they determined, validated, and used certain facts, descriptive information, and technical data in the Application. This damaged the credibility of the Application and undermined local trust in the competence and the fairness of RMA Planning.
- F8: RMA Planning staff's limited expertise in wireless communications facilities' policies, regulations, and rules, plus RMA planner confusion on the applicability of County standards for aesthetics and visual character, were contributing factors to the siting and design of the cell tower in a manner unacceptable to the Bryson Hesperia Community.
- F9. Monterey County wireless communications code (MCC 21.64.310) lacks provisions to permit staff to secure outside experts, at applicant expense, when needed. This code omission limited planner resources and flexibility to overcome the technical challenges with this application. It reduced RMA Planning staff's ability to process the Application in a thorough, professional manner.
- F10: RMA Planning's site visit procedures for planners did not adequately account for area and community differences in the County. They also were not formalized. Planner site visits at the time of this application did not require any pre-orientation to highlight area-specific factors. These shortfalls reduced RMA planners' ability to understand actual conditions, effects, and the significance of the Application on the South County community.
- F11: RMA Planners' high work volume, plus the complex nature of processing a cell tower application, also were significant contributing factors to the siting and design of the cell tower in a manner unacceptable to the Bryson Hesperia Community.

- F12: The wireless communications facility supplemental add-on portions to RMA Planning's land use development application form were out of date. These add-ons lacked essential, contemporary elements to account for current wireless communications facility types, new FCC application handling requirements, FCC shot clocks, and FCC shot clock tracking/ tolling methods. This increased planner confusion and created a lack of information needed to facilitate planner processing of the Application in a thorough and professional manner.
- F13: RMA Planning managers displayed a high degree of internal responsiveness in reaction to the August 28, 2019 meeting in South County about the cell tower. Their subsequent actions were not visible to the community, but represented a quiet, positive example of professional and effective responsiveness to the community's concerns.

RECOMMENDATIONS

When the 2019/20 Civil Grand Jury began our investigations, COVID-19 had not yet become a public health crisis. However, as we conclude our reports, we are tasked to specify a time frame within which to address our recommendations. We have done so, attempting to allow some extra time, given the current situation. We ask the County Supervisors, Departments, Cities, and Special Districts responsible for enacting our recommendations to do their best to accomplish these goals as expeditiously as possible, given the effect of the current pandemic crisis on staffing availability.

- R1: The RMA Services Manager should review and improve the RMA Current Planning division's work practices for RMA planners and Planning managers. Critical thinking, attention to detail, and higher professional standards must be imbued into the RMA Planning process. When County Code directs higher levels of decision making, RMA Planning should require assigning higher level, more experienced planners and higher-level supervisors to prepare and review those applications. (F3, F7) **This review should be completed no later than 90 days after the publication of this report.**

- R2: The Director of RMA should investigate whether the erroneous description of PLN 180317 alternative site's conditions, as provided to RMA Planning in support of that application, constituted "false material information," as the term is used in Monterey County Code 21.70.070 (Revocation). Director RMA should then determine if action in accordance with that code is appropriate or necessary for PLN 180317. (F4) **This investigation and determination should be completed no later than 90 days after the publication of this report.**
- R3: The Board of Supervisors should revise the Resolution that establishes and provides guidance to the County Land Use Advisory Committees (LUAC), the "LUAC Guidelines," to update Exhibit B. Stop using the "Bradley-Parkfield" LUAC name and start using the "South County" LUAC name. This will accurately reflect the change that was made to that LUAC in August 2008 and implemented in January 2009. (F2, F3) **This revision should be completed no later than six months after the publication of this report.**
- R4: The Board of Supervisors should revise Monterey County Code, to include a set of *Design Guidelines* that empower planners and decision makers to make land use decisions that comply with federal and state regulations, meet applicant needs, yet can still preserve Monterey County's character in rural and suburban environments. Design Guidelines should be both developmental standards and criteria for character and aesthetics. The Design Guidelines should be applicable to both wireless communications facilities and a wide range of other infrastructure developments. The Design Guidelines should augment existing Monterey County code, including Monterey County Code 21.64.310 (Wireless Communication Facilities). (F6) **This revision should be completed no later than 24 months after the publication of this report.**
- R5: The RMA Services Manager should develop explicit guidance to ensure public hearing noticing for significant projects in Monterey County's rural environments include other means in addition to those listed in Monterey County Code 21.70.040.A (Public Notice Required). This guidance should identify the

appropriate social media and local micro-resources that are active in the rural community where a significant project is planned. (F5) **This guidance should be completed and operational no later than 90 days after the publication of this report.**

- R6: The Board of Supervisors should revise Monterey County Code 21.70.040.A (Public Notice Required) to include the following provision from California Government Code Section 65091(A)(5)(c): "In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable." (F5) **This revision should be completed no later than 24 months after the publication of this report.**
- R7: The RMA Services Manager should develop explicit guidance to encourage and support applicant-sponsored town halls or orientations for rural communities where significant projects are planned. These events should be in advance of, or early into the application process. (F5) **This guidance should be completed and operational no later than 60 days after the publication of this report.**
- R8: The RMA Services Manager should revise the RMA land use request application supplemental add-on for wireless communications facilities. The revision should account for the different types of facilities, the current rules for accepting and correcting incomplete applications, and add provisions to identify and track the appropriate shot clock in the application --as an automated ongoing function. (F12) **This guidance should be completed and operational no later than 12 months after the publication of this report.**
- R9: The Board of Supervisors should revise Monterey County Code 21.64.310 (Wireless Communication Facilities) to include a provision that permits County staff to secure outside experts, at applicant expense, to support technical considerations or issues attendant to processing of wireless communications facilities when required. (F8, F9) **This revision should be completed no later than 24 months after the publication of this report.**

R10: The Board of Supervisors should revise Monterey County Code 21.64.310 (Wireless Communication Facilities) to include a provision that requires a post-operational RF-EME survey to be conducted by a certified RF engineer selected by the County but at applicant expense, when any wireless communications facility first becomes operational or has its Use Permit renewed. (F8, F9) **This revision should be completed no later than 24 months after the publication of this report.**

R11: The RMA Services Manager should develop a planners' training and operations standard operating procedure (SOP) for RMA Current Planning division, supplemental to any County or RMA employee handbook. This SOP should articulate (1) required planner and staff tasks and coordination, (2) required standards of performance, (3) division routines and site visit procedures, (4) planner-specific professional knowledge goals, and (5) note funded and optional planner-specific training and professional development opportunities. (F7, F10, F11) **This guidance should be completed and operational no later than 12 months after the publication of this report.**

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Civil Grand Jury requests responses from the following governing body within 90 days:

- Monterey County Board of Supervisors: respond to All Findings and Recommendations within 90 days.

INVITED RESPONSES

- The Director of Monterey County RMA: Respond to F4 and R2
- The Monterey South County LUAC: Respond to F2-F6 and R2, R3, R5, R6, R7

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

APPENDICES

- A. PLN 180317 Report Package (abridged)
- B. Final RF EME Report for PLN 180317
- C. LUAC Guidelines (abridged)
- D. APN and Topographic Maps of Primary and Alternative sites
- E. Photo Credits

APPENDIX A

**THIS APPENDIX INCLUDES ONLY
ABRIDGED PORTIONS OF DOCUMENTS.**

**PLEASE REFER TO ORIGINAL SOURCES
FOR COMPLETE COPIES OF ALL
DOCUMENTS**

APPENDIX A - STAFF REPORT FOR PLN 180317



Monterey County Zoning Administrator

Agenda Item No. 1

Legistar File Number: ZA 18-066

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

October 25, 2018

Introduced: 10/15/2018

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN180317 - ZAMORA (AT&T WIRELESS)

Public hearing to consider Use Permit to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree.

Project Location: 76310 Hesperia Road, Bradley (Assessor's Parcel Number 424-051-065-000), South County Area Plan

Proposed CEQA action: Exempt per 15303 of the CEQA Guidelines construction and location of limited numbers of new, small facilities or structures.

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a) Find the project in the installation of a new wireless communication facility, which qualifies as a Class 3 Categorical Exemption per Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small structures), and there are no exceptions pursuant to Section 15300.2; and
- b) Approve a Use Permit to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree, and associated equipment consisting of twelve (12), six foot tall panel antennas, twenty two (22) remote radio units, four (4) DC surge compressors, **one (1) microwave dish antenna**, and one (1) back-up Diesel Generator with a 900 square foot leased area enclosed by a seven foot high wooden fence.

The attached resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends that the Zoning Administrator adopt the resolution approving PLN180317 subject to nine (9) conditions of approval.

PROJECT INFORMATION:

Agent: Tom Johnson, AT&T Wireless

Property Owner: Gloria J & Jose L Zamora

APN: 424-051-065-000

Parcel Size: 44.7 acres

Zoning: RG/40 (Rural Grazing/40-acre minimum)

Plan Area: South County Area Plan (Non-Coastal Advisory Committee)

Flagged and Staked: No

SUMMARY:

The applicant (Tom Johnson), representing AT&T Wireless, is requesting approval of a Use Permit to construct and operate a wireless communication facility camouflaged as a 120-foot mono pole eucalyptus tree, and associated equipment. The proposed AT&T wireless facility will be located at the northwest boundary of the subject parcel lot Access Parcel Number 424-051-065-000 west of

Hesperia Road and will include a 900-square foot leased area enclosed by a seven foot high wooden fence.

AT&T's objective in locating a wireless communication facility on this site is to provide improved in-building and in-transit wireless coverage. The proposed Facility is necessary to close significant service coverage gap areas roughly bounded along Hesperia Road (**Exhibit E**). The proposed facility will provide coverage to the surrounding residential areas, including the agricultural areas that are present within this zone that currently have no AT&T mobile service.

DISCUSSION

Setting:

The property site currently has an existing single-family residential trailer structure on a 44.7+ acre(s) lot surrounded by grazing fields and open space lands. The project site is located on the northeast corner of the lot adjacent to Hesperia Road. The following table below identifies the land uses immediately surrounding the project site.

The project setting can also be seen in the following chart below for this Project Analysis:

Surrounding Land-Uses

Project Site	Land Use	Zoning	General Plan
North	Single-family unit/Open space	RG-40	Rural Grazing
South	Open space	RG-40	Rural Grazing
East	Single-family/Open space	RG-40	Rural Grazing
West	Single-family unit/Open space	RG-40	Rural Grazing

Once constructed and operational, the proposed facility will provide 24-hour service to customers seven (7) days a week. Apart from initial construction activity, an AT&T technician will only be servicing the facility on a periodic basis. It is reasonable to expect that routine maintenance/inspection of the facility will occur about once a month during working hours of 8 a.m. to 5 p.m. Monday through Saturday. Beyond this intermittent service, AT&T requires 24-hour access to the proposed facility to ensure that technical support is immediately available in the event of an emergency or natural disaster.

Location and Alternative Site Analysis:

The applicant evaluated an alternative site located at a 2570 Bryson Road, Bradley. Unfortunately, due to the mountainous terrain access and road constraints the proposed site was not physically feasible for the construction of the proposed tower. Therefore, the applicant selected the proposed location at 76310 Hesperia Road recommended by AT&T's Radio Frequency Engineer as the most appropriate site to accommodate their proposed wireless communication facility as described in the applicant's Project Description (**Exhibit D**).

Co-Location

There are no other wireless communication facilities stations at the site or nearby vicinity of the proposed project site. The proposed facility has been designed in a manner that will structurally accommodate additional antennas, and the applicant has submitted a statement to allow co-location in the future (**Exhibit D**).

Visual Resources and Design:

The site is relatively flat and has been historically been used for agricultural purposes. There is no designated public viewing area, scenic corridor, or any identified environmentally sensitive area or resources. As described, the applicant evaluated the feasibility of locating the proposed facility at nearby existing facilities, but could not provide the necessary coverage for the identified proposed coverage area. Generally, a wireless communications facility is not a use that is inherently compatible with the character of the surrounding rural grazing/ agricultural uses; however, the proposed project is a stealth design that would blend with the surrounding mixture of tall mature oak and eucalyptus trees.

The applicant submitted photo simulations (**Exhibit G**) of the standard monopole design as well as a mono-eucalyptus tree. Both options are attached to the staff report. The basic monopole design is visually obtrusive in comparison to mono-eucalyptus tree disguised blending with the existing rural setting and surrounding areas. As conditioned, the applicant will be required to provide specifications on the mono-eucalyptus to ensure that it is as natural appearing as possible. Where visible, the mono-eucalyptus would appear in character with the surrounding mature trees and would not be easily recognizable as a wireless communications facility.

As indicated on the Applicant's Project Information (**Exhibit D**); the project is proposing the development of a 120-foot tall wireless communication facility camouflaged mono pole eucalyptus tree. The proposed project complies with the Monterey County General Plan, Rural Grazing Ordinance (RG-40), Wireless Facilities Design Guidelines (Findings), and other development standards and design guidelines.

Radio Frequency

The applicant has submitted a Radio Frequency compliance report prepared by EBI Consulting Engineers on June 15, 2018 (**Exhibit F**). The report finds that the facility will comply with the Federal Communications Commission (FCC) and Occupational Safety and Health Administration (OSHA) standards for limiting public exposure to radio frequency energy, including the installation of all proper required (FCC) signage and/or barriers. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the (FCC).

CEQA EXEMPTION

The project is exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act Guidelines. The project is a small structure, which qualifies for a Class 3 Categorical Exemption per Section 15303 of the CEQA Guidelines and does not meet any of the exceptions under Section 15300.2. The project involves the installation to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree. Therefore, the proposed development is consistent with the parameters of this exemption. The technical reports prepared for the project do not identify any potential significant or cumulative impacts, and no evidence of significant adverse environmental effects was identified during staff review of the development application.

RECOMMENDATION

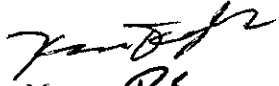

Staff recommends the Zoning Administrator approve the project. This recommendation is supported by the findings and evidence provided and conditions of approval in (**Exhibit C**).

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- South County Fire Protection District

The proposed project was not referred to a Land Use Advisory Committee because there is no Land Use Advisory Committee for the South County Area.

Prepared by: Kenny Taylor, Associate Planner, x5096 
Reviewed by: Brandon Swanson, RMA Planning Services Manager 
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Vicinity Map
- Exhibit C - Draft Resolution including:
 - Draft Conditions of Approval
 - Project Plans
- Exhibit D - Project Description/Coverage Justification
- Exhibit E - Site Coverage Map
- Exhibit F - Radio Frequency Compliance Report
- Exhibit G - Photo Simulations

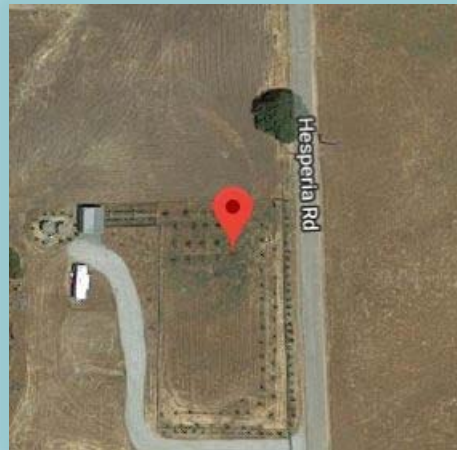
cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager, Att&t Wireless, Agent; Tom Johnson, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180317

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Site No. CCL03702
MRSFR038074, MRSFR035291, MRSFR030966
Zamora Property
76310 Hesperia Road
Bradley, California 93426
Monterey County
35.815161; -121.057758 NAD83
Monotree

The proposed AT&T installation will be in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

EBI Project No. 6218004453
June 15, 2018



Prepared for:
AT&T Mobility, LLC
c/o Vinculums
575 Lennon Lane, Suite 125
Walnut Creek, CA 94598

Prepared by:
 **EBI Consulting**
environmental | engineering | due diligence

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APPENDICES

- Appendix A Personnel Certifications**
- Appendix B Compliance/Signage Plan**

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site rooftop and ground-level and nearby rooftops resulting from operation of the antennas. RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by AT&T, and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65. For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65. The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

At the nearest walking/working surfaces to the AT&T antennas, the maximum power density generated by the AT&T antennas is approximately 3.50 percent of the FCC's general public limit (0.70 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is

approximately 3.50 percent of the FCC's general public limit (0.70 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground level, the maximum power density generated by the antennas is approximately 3.20 percent of the FCC's general public limit (0.64 percent of the FCC's occupational limit).

A graphical representation of the RoofView® modeling results is presented in Appendix B. It should be noted that RoofView® is not suitable for modeling microwave dish antennas; however, these units are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

Co-location

SLIDE 7: RMA PLANNING ZA BRIEFING 10/25/18
@ 5 MINUTES 40 SECONDS INTO BRIEFING.
"CLOSEST CELL TOWER"

EXISTING WIRELESS COMMUNICATION FACILITY



PROPOSED SITE LOCATION

Total: 0.00 mi

17 MILES

EXISTING WIRELESS COMMUNICATION FACILITY

Total: 17.07 mi

(FINAL) RESOLUTION FOR PLN 18-0317

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

ZAMORA (AT&T MOBILITY) (PLN180317)

RESOLUTION NO. 18 - 061

Resolution by the Monterey County Zoning
Administrator:

- 1) Find the project is the installation of a new wireless communication facility, which qualifies as a Class 3 Categorical Exemption per Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small structures), and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Use Permit to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree, and associated equipment consisting of twelve (12), six foot tall panel antennas, twenty two (22) remote radio units, four (4) DC surge compressors, one (1) microwave dish antenna, and one (1) back-up Diesel Generator within a 900 square foot leased area enclosed by a seven foot high wooden fence. [PLN180317, Zamora (AT&T Mobility), 76310 Hesperia Road, South County Area Plan (Non-Coastal Advisory Committee) (APN: 424-051-065-000)]

The Zamora (AT&T Mobility) application (PLN180317) came on for public hearing before the Monterey County Zoning Administrator on October 25, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Use Permit to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree.
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180317.
2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - South County Area Plan;

- Monterey County Zoning Ordinance (Title 21)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 76310 Hesperia Road, South County APN 424-051-065-000), South County Area Plan. The parcel is zoned RG/40, which allows wireless communication facilities with an approved Use Permit. Therefore, the project is an allowed land use for this site.
- c) The project is located on a flat parcel which requires minimal grading. The project will not result in any impacts to biological or archaeological resources.
- d) The project planner conducted a site inspection on August 9, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project meets the intent of the Wireless Communication Ordinance in Monterey County Code as the monopole will provide collocation for future wireless sites and will minimize the potential for proliferation of individual wireless facilities.
- f) The Zoning Administrator is the appropriate authority to hear and decide new wireless communication facilities that have no significant adverse visual impact from any public common viewing area, pursuant to Section 21.64.310. of Monterey County Code.
- g) The project was not referred to a Land Use Advisory Committee (LUAC) for review because this project is located within the South County Area Plan, which does not have an established Land-Use Advisory Committee.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180317.
- i) At the October 25th hearing, the Zoning Administrator gave RMA Planning Staff leave to approve alterations to the project as substantially conforming as long as there was no tree removal, ESHA disturbance, development on slopes, or other issues that would require additional entitlement. This direction was given with the intent of allowing staff to work with the applicant to possibly redesign the project, in an effort to move the tower farther back from Hesperia Road.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, South County Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified no potential impacts to Biological Resources, Archaeological Resources, Soil/Slope Stability, or environmental constraints that would make the site unsuitable for the proposed wireless communication facility.

provisions for wireless facilities. The proposed facility will meet the FCC guidelines.

- c) The development meets all applicable regulations for the establishment of wireless communications facilities (Chapter 21.64.310, Monterey County Code).
 - The Wireless Communication Facility will not be visible from the highway and surrounding roads. The proposed facility is within the grazing agricultural fields approximately 17 miles west of Highway 101. The distance combined with the Eucalyptus design tree will minimize visual impacts. Pursuant to the 2010 General Plan and the South County Area Plan, the property is not located in a designated visually "sensitive" area, along a scenic corridor, or identified environmentally sensitive area.
 - Other than height, the project is consistent with the Site Development Standards of the "F" Zoning District. The allowable height maximum of the area is 30 feet. The entitlement, a Use Permit, allows the proposed facility to exceed the height of the Rural Grazing Zoning District, upon approval by the Zoning Administrator.
- d) The project meets all the minimum requirements of the Chapter 21.32 (RG-40) Zoning including County Code Section 21.64.310 Wireless Telecommunication Facilities as identified as part of the Conditions of Approval. Conditions have been incorporated that would reduce the visual impact and include further review of colors and exterior lighting, modifications in the event of technological advances, and maintenance and restoration of the site.
- e) The project is consistent with Chapter 21.86 (Airport Approaches Zoning) and does not require review by the Monterey County Airport Land Use Commission. This project does not affect any aircraft zones identified in Section 21.86.040 of MCC and the proposed height is within limitations outlined in Section 21.86.060 MCC.

- 8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
EVIDENCE: a) Section 21.80.040 B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

∥

located on a hazardous waste site, near a scenic highway or historical resource. The project would not contribute to a cumulative impact of successive projects as there are no other wireless communication facilities in proximity to this project site.

d) See preceding findings and evidence.

7. **FINDING:** **WIRELESS COMMUNICATION FACILITIES** – The project is consistent with the required findings for the development of a wireless communication facility:

- 1) The project will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources;
- 2) The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission;
- 3) The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code section 21.64.310;
- 4) The subject property on which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid, and
- 5) The proposed telecommunication facility will not create a hazard for aircraft in flight.

EVIDENCE: a) The development meets all applicable regulations of the wireless communications facilities Chapter. The project is sited in the least visually obtrusive location (Section 21.64.310.C.4, Zoning Ordinance). The area consists of and is predominantly surrounded by agricultural uses such as grazing open lands and scattered residential dwellings accessory structures such as barns. Due to the project location, surrounding rugged terrain, and existing mature trees, the proposed monopole will not be visible from Highway 101, County scenic roads, designated scenic areas, or critical viewsheds. The proposed facility is within the grazing agricultural fields approximately 17 miles west of Highway 101. Pursuant to the 2010 General Plan and the South County Area Plan, the property is not located in a designated visually "sensitive" area, along a scenic corridor, or identified environmentally sensitive area. The proposed monopole is consistent with the visual integrity of its surroundings because it is the most simplistic design and is the property owner's preferred design.


b) The applicant, AT&T Wireless, has provided coverage maps (**Exhibit E**) which identifies a coverage gap 3 ½ mile radius coverage gap within the vicinity of Bryson Hesperia Road and Hesperia Road. The coverage area currently provides good outdoor service, but no indoor coverage. The proposed facility will improve the existing coverage to provide good In-Building, In-Transit, and Outdoor services within the immediate area. The proposed service goals are consistent with FCC

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project is the installation of a new wireless communication facility, which qualifies as a Class 3 Categorical Exemption per Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small structures), and there are no exceptions pursuant to Section 15300.2;
2. Approve a Use Permit to allow the installation of a 120-foot tall wireless communication facility disguised as Eucalyptus tree, and associated equipment consisting of twelve (12), six foot tall panel antennas, twenty two (22) remote radio units, four (4) DC surge compressors, one (1) microwave dish antenna, and one (1) back-up Diesel Generator within a 900 square foot leased area enclosed by a seven foot high wooden fence.

PASSED AND ADOPTED this 25th day of October, 2018.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE **OCT 26 2018**

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION / CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE] **NOV 06 2018**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

APPENDIX B

Final RF EME Report for PLN 180317

APPENDIX B ABRIDGED VERSION OF FINAL RF-EME REPORT

(Please refer to original document for complete information)

Radio Frequency – Electromagnetic Energy (RF-EME) Site Audit (Post-Construction Monitoring)

USID# 175618
Site No. CCL03702
Zamora Property
76310 Hesperia Rd
Bradley, California 93426
Monterey County
35.815161; -121.057758 NAD83

EBI Project No. 6220000365
February 11, 2020



Prepared for:

AT&T Mobility, LLC
c/o Vinculums Services Inc
1200 Del Paso Rd, Suite 150
Sacramento, CA 95834

Prepared by:



EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) monitoring for AT&T Site CCL03702 located at 76310 Hesperia Rd in Bradley, California to determine RF-EME exposure levels from wireless communications equipment installed at this site. As described in greater detail in Section 2.0 of this report, the Federal Communications Commissions (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general population exposures and occupational exposures. This report summarizes the results of RF-EME monitoring in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

EBI field personnel visited this site on February 4, 2020. This report contains a summary of the RF EME analysis for the site, including the following:

- Antenna Inventory
- Site Photographs
- Site Plan with antenna locations
- Graphic representation of onsite monitoring results

This document addresses the emissions and signage of AT&T's transmitting facilities independently. Emission readings included in this report are cumulative of all carriers on site. However, this report does not address other carrier compliance.

Statement of Compliance

An installation is considered out of compliance with FCC regulations if, in an area that exceeds the FCC limits, that installation's contribution is greater than 5% of the applicable MPE and there are no mitigation measures in place.

Based on the FCC criteria, the results of the RF emissions survey indicate that the readings do not exceed applicable FCC MPE limits.

An installation is considered out of compliance with FCC regulations if, in an area that exceeds the FCC limits, that installation's contribution is greater than 5% of the applicable MPE and there are no mitigation measures in place.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's

RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014. The following signage was installed at this site:

- Yellow CAUTION 2B sign posted 9' AGL at the base of the monopole on the North and South side.

The signage installed at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. More detailed information concerning site compliance recommendations is presented in Section 5.0 of this report.

SITE DESCRIPTION

This project involves twelve (12) wireless telecommunication antennas on a monotree in Bradley, California. There are three Sectors (A, B, and C) at the site, with four (4) antennas installed per sector. The Sector A antennas are oriented 30° from true north. The Sector B antennas are oriented 270° from true north. The Sector C antennas are oriented 150° from true north.

EBI conducted a site visit on February 4, 2020. At the time of the site visit, there were no other carriers observed at this site. Measurements were taken at ground level in the surrounding area. Appendix B contains site photographs taken on February 4, 2020 during the on-site survey. Appendix C presents a site plan indicating monitoring and antenna locations. Appendix E contains climate and site observations recorded during the site visit.

1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general population/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not

employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE limit is 2.83 mW/cm² and an uncontrolled MPE limit of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE limit is 2.33 mW/cm² and an uncontrolled MPE limit of 0.47 mW/cm². These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm²)	Averaging Time [E]², [H]², or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Population/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm²)	Averaging Time [E]², [H]², or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage was installed on the site:

- Yellow CAUTION 2B sign posted 9' AGL at the base of the monopole on the North and South side.

5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for telecommunications equipment installed at the site located at 76310 Hesperia Rd in Bradley, California.

The highest level of RF emissions measured within the facility compound was 0.7111% of the FCC's MPE limits based on the Occupational standard. Additionally, the highest level of RF emissions measured at ground level surrounding the structure was 2.2370% of the FCC's MPE limits based on the General Population standard. A controlled/occupational environment assumes that access to the facility is generally restricted to authorized personnel and facility management and members of the general public will not be able to access the wireless telecommunications facility.

The results of the RF emissions survey indicate that the levels of RF emissions exposure do not exceed applicable FCC MPE limits.

Signage was installed at the site as presented in Section 5.0. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information collected during the site visit and provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

APPENDIX C

LUAC Guidelines (abridged)



APPENDIX C. LUAC GUIDELINES
(ABRIDGED - SEE ORIGINAL DOCUMENT)

Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Considered and:

- a. Found the consolidation of the North County-Inland and North County-Coastal Land Use Advisory Committees (LUAC) and revision of LUAC procedures is not a project under California Environmental Quality Act (CEQA) Guidelines;
- b. Adopted Resolution 15-103 consolidated the North County-Inland and North County-Coastal Land Use Advisory Committees; and
- c. Amended the Land Use Advisory Committee Procedures to reflect the consolidation. (North County Land Use Advisory Committees - REF150004/County of Monterey)

PASSED AND ADOPTED on this 28th day of April 2015, by the following vote, to wit:

AYES: Supervisors Phillips, Salinas and Potter
NOES: Supervisors Armenta and Parker
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on April 28, 2015.

Dated: April 29, 2015
File ID: RES 15-043

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

EXHIBIT 1
PROPOSED AMENDMENTS TO THE MONTEREY COUNTY LAND USE
ADVISORY COMMITTEE PROCEDURES

Monterey County Land Use Advisory Committee Procedures

(Adopted November 18, 2008; amended December 16, 2014)

The following procedures were adopted by the Board of Supervisors.

1. The purpose of a Land Use Advisory Committee (LUAC) is to:
 - a. Advise the Appropriate Authority by providing comments and recommendations on referred land use planning matters pursuant to the "Guidelines for Review of Applications" in **Exhibit A**.
 - b. Reflect the perspective of the local community with focus on neighborhood character, unique community site and conditions and potential local effects or contributions that would likely result from the implementation of a proposed project.
 - c. Perform such other review of land use issues as may be requested from time to time by the Planning Commission or the Board of Supervisors.
 - d. Provide a venue for project neighbors to provide input on proposed projects.
 - e. Identify concerns in response to staff-provided scope of review on neighborhood, community and site issues excluding regional impacts which are the purview of the Appropriate Authority.

2. Definitions:
 - a. "Appropriate Authority" means that person, official, or body designated to hear, grant, deny, modify, condition, revoke or otherwise act on permits required by County Zoning Ordinances.
 - b. "Brown Act" (a.k.a. Ralph M. Brown Act), as set forth in Section 54950 et seq. of the California Government Code, means the state open meeting law applicable to local government bodies.
 - c. "LUAC" means Land Use Advisory Committee.
 - d. "Planning Area" means geographic sub-regions of Monterey County established by the applicable General Plan, Area Plans and Local Coastal Program Land Use Plans (See **Exhibit B**).

EXHIBIT A**GUIDELINES FOR REVIEW OF MATTERS REFERRED TO LAND USE ADVISORY COMMITTEES BY THE APPROPRIATE AUTHORITY.**

The Land Use Advisory Committee (LUAC) shall review and make recommendations on land use issues only as specifically set out by the following guidelines:

1. **The applicable LUAC shall review projects that require the following:**
 - a) Development requiring CEQA review [Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR)]
 - b) Lot Line Adjustments involving conflicts (e.g.; modifications to Scenic Easements or Building Envelopes, Williamson Act, the Coastal Zone, etc.).
 - c) Variances.
 - d) **Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission.**
2. The LUAC shall review any discretionary permit application for which the local area plan, land use plan, master plan, specific plan, or community plan requires review by a local citizens' committee.
3. **The LUAC shall review any discretionary permit application, and any land use matter that in the opinion of the Board of Supervisors, the Planning Commission, or Director of Planning, raises significant land use issues that necessitate review prior to a public hearing by the Appropriate Authority. The Director of Planning shall inform the Planning Commission of a Board of Supervisors' referral.**
4. **The LUAC shall focus recommendations on site design and local considerations.**

EXHIBIT B

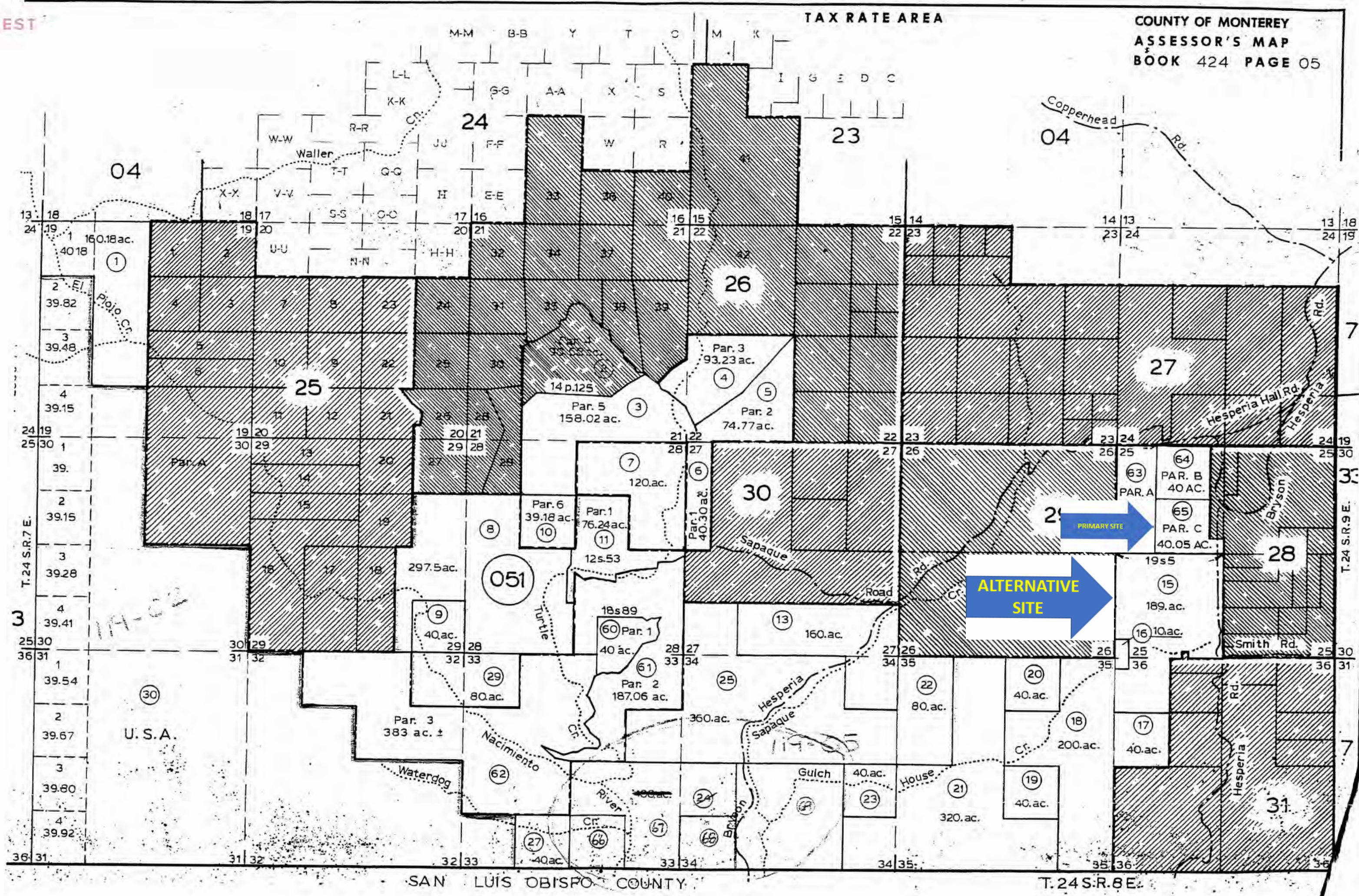
PLANNING AREA	AREA PLAN	LUAC
Big Sur	Big Sur Land Use Plan	South Coast LUAC
		Big Sur LUAC
Cachagua	Cachagua Area Plan	Cachagua LUAC
Carmel	Carmel Area Land Use Plan	Carmel Unincorporated /Highlands LUAC
Carmel Valley	Carmel Valley Master Plan	Carmel Valley LUAC
Central Salinas Valley	Central Salinas Valley Area Plan	Chualar Neighborhood Design Review Committee
	Chualar Community Plan	
Coast	NONE	N/A
Del Monte Forest	Del Monte Forest Land Use Plan	Del Monte Forest LUAC
Fort Ord	Fort Ord Master Plan	N/A
Greater Monterey Peninsula	Greater Monterey Peninsula Area Plan	Greater Monterey Peninsula LUAC
Greater Salinas	Greater Salinas Area Plan	Spreckels Neighborhood Design Review Committee
	Boronda Community Plan	
North County, Coastal and Inland	North County Land Use Plan	North County – Coastal LUAC
	North County Area Plan	North County – Non-Coastal LUAC
	Moss Landing Community Plan	LUAC
	Pajaro Community Plan	
	Castroville Community Plan	Castroville LUAC
South County	South County Area Plan	Bradley-Parkfield LUAC
Toro	Toro Area Plan	Toro LUAC
Ag Lands	All	Agricultural Advisory Committee
AWCP	AWCP	Toro LUAC if Project meets criteria listed in Exhibit A
		Agricultural Advisory Committee

APPENDIX D

APN and Topographic
Maps of Primary and Alternative sites



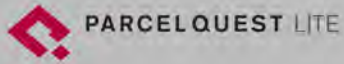
APPENDIX D. APN and Topographic Maps of Primary and Alternative sites



PRIMARY SITE →

ALTERNATIVE SITE →

PLN 180317 PRIMARY SITE (MAP)



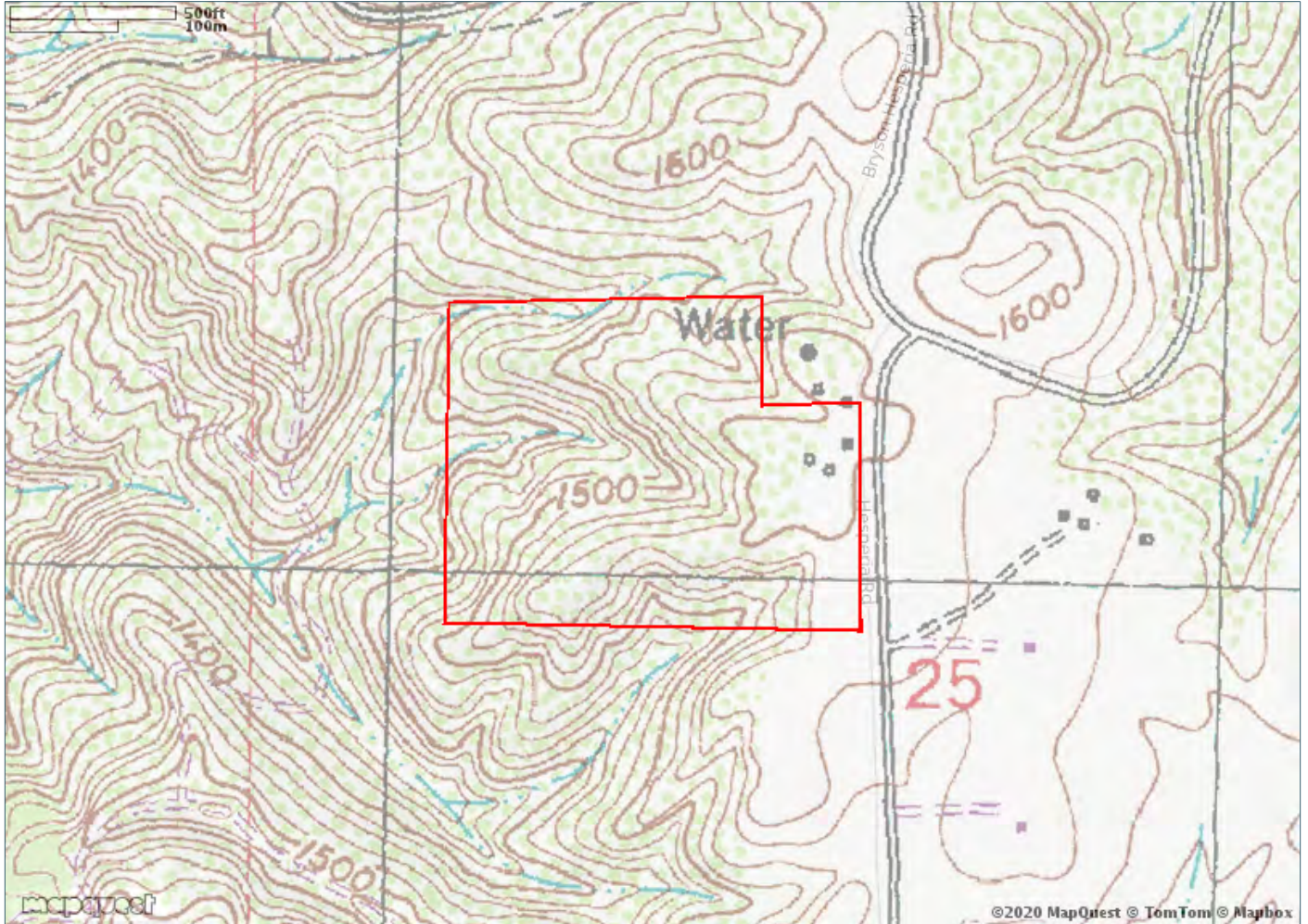
Topography Report

Property Address:

76310 HESPERIA RD BRADLEY CA 93426-9505

Parcel # (APN):

424-051-065-000



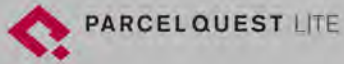
Call us (844) 893-7216

Visit us: www.ParcelQuest.com

* The information provided here is deemed reliable, but is not guaranteed.

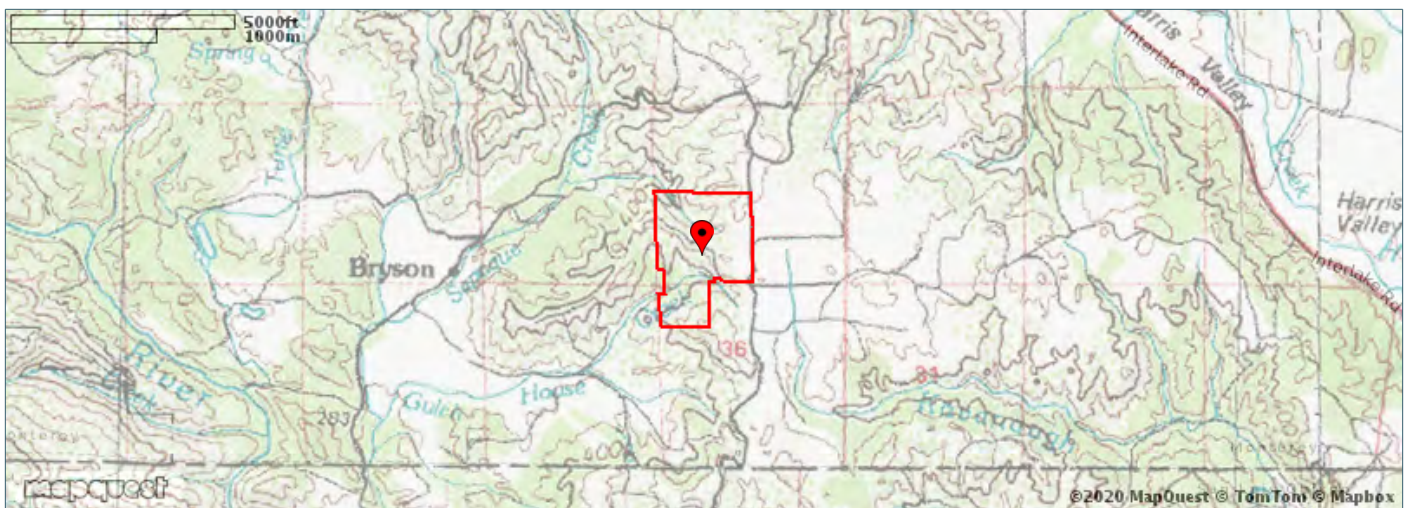
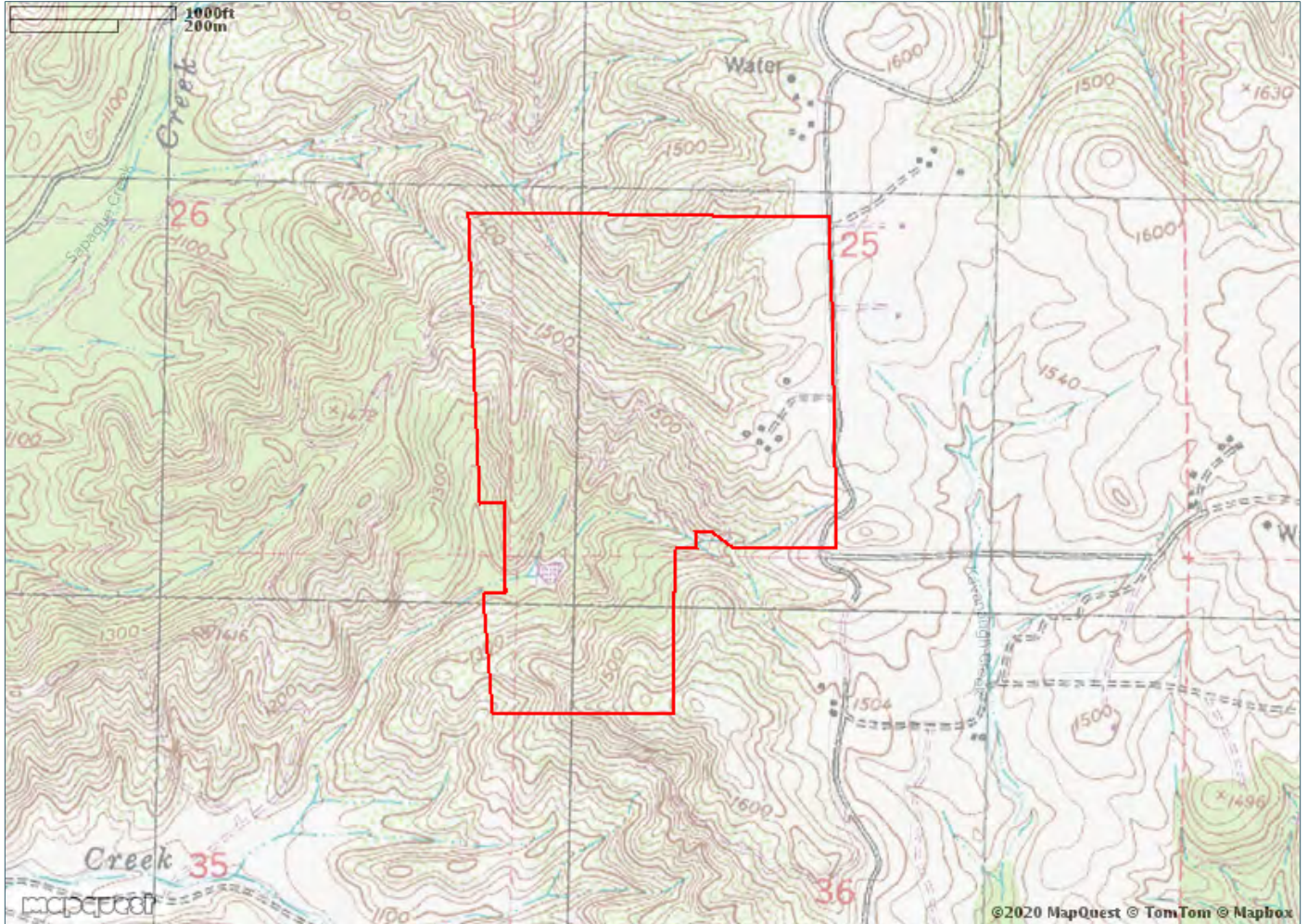
© 2020 ParcelQuest

PLN 180317 ALTERNATIVE SITE (MAP)



Topography Report

Property Address:
2570 BRYSON RD BRADLEY CA 93426
Parcel # (APN):
424-051-015-000



Call us (844) 893-7216

Visit us: www.ParcelQuest.com

* The information provided here is deemed reliable, but is not guaranteed.

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APPENDIX E

Photography Log and Credits

Appendix E Photography Log and Credits

(The Civil Grand Jury is grateful to all who donated photographs, even without knowing how they would be used.)

<u>Count</u>	<u>Pg</u>	<u>Description</u>	<u>Credits *</u>
1	6.	PLN 180317 on Bryson-Hesperia Plain	Permission of owner
2	7.	District Three Supervisor & County Staff meet with the Community on Aug 28, 2019 to discuss the new cell tower	Permission of owner
3	8.	Hesperia Road -- cell tower construction	Permission of owner
4	13.	Uncaptioned photograph	Permission of owner
5	14.	Parcel Map of Primary and Alternative Sites (annotated)	Monterey County Records
6	15.	Uncaptioned Imagery (annotated)	Google Permission with required credits on photo
7	17.	Primary site, with cell tower, looking south toward a tree line on the alternative site	Permission of owner
8	18.	Monterey County Weekly. Notice in Oct 10-17, 2018 edition. Page 59 (classifieds)	17 USC § 107 Fair Use
9	19.	PLN 180317 Public Hearing (10/25/18)	Public Domain
10	20.	Tuesday, August 6th 2019, tower construction	Permission of owner
11	22.	A LUAC-reviewed cell tower. distance: 14.8mi	Permission of owner
12	23.	Bee Rock cell tower, 7.5 miles from primary	Permission of owner
13	24.	PLN 180317 Microwave dish antenna	Permission of owner
14	29.	Hesperia Road viewsheds two views: facing away & facing toward the cell tower	Permission of owner
15	31.	RMA Planning - the permit counter	Permission of owner
16	34.	Bryson - Hesperia before	Permission of owner

* The owners of all pictures were verified by the Civil Grand Jury, and all names have been redacted.