

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MINUTES
June 23, 2015**

Chair Bridenstine called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Commissioners present were:

Jeff Drozd, Commissioner, Planning Commission
Jeff Evans, Commissioner, Planning Commission
Charles McHenry, Commissioner, Planning Commission
Steve Whitten, Vice Chair, Planning Commission
Vickie Bridenstine, Chair, Planning Commission

Town of Yucca Valley Staff present were:

Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Diane Olsen, Planning Technician
Allison Brucker, Planning Secretary

The Pledge of Allegiance was led by Chair Bridenstine

APPROVAL OF AGENDA

MOTION

That the Commission approve the agenda.

RESULT: APPROVED [UNANIMOUS]
MOVER: Steve Whitten, Commissioner
SECONDER: Charles McHenry, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

CONSENT AGENDA

NONE

PUBLIC HEARINGS

1. **ENVIRONMENTAL ASSESSMENT, EA 02-14
CONDITIONAL USE PERMIT, CUP 01-14
VARIANCE, V-01-15**

SPECTRUM VERIZON

Proposal to construct a 55' cellular tower to be disguised as a pine tree, to include a generator inside a 900 square foot , 8' high block wall enclosure for equipment. The variance request is to exceed the maximum height limit of 40' in the Mixed Use zoning district by 15', at a total height of 55'.

RECOMMENDATION:

Alternative 1:

Environmental Assessment, EA 02-14: That the Planning Commission finds the project to be exempt from CEQA under Section 15332, class 32, Infill Development;

Conditional Use Permit, CUP 01-14 and Variance, V-01-15: That the Planning Commission holds the public hearing, accepts public testimony, and considers the applicant's request.

Alternative 2:

That the Planning Commission holds the public hearing, accepts public testimony, and continues to the Public Hearing to the meeting of July 14, 2015.

STAFF REPORT

Deputy Town Manager Stueckle provided the staff report, and provided an overview of the proposed project. The item was a request for a Conditional Use Permit for construction and installation of a 55' cellular communication tower. Staff stated that the Town has had a wireless communications ordinance in place which establishes tiered criteria for wireless facilities and calls out special design areas. Staff stated that, after discussion with the applicant and the Town Attorney's office, it was determined that there was a table within the development code which conflicted with the wireless communications ordinance and allowed wireless communication facilities within the special design area to exceed the maximum structure height. This allowed for wireless communication facilities to have the same allowance as other communication or utility providers.

Staff provided an overview of the design options which had been presented as part of the project, including a pine tree, a water tower and a palm tree. Staff stated that they did not recommend the use of a palm tree design as palm trees were not a common landscape element in the Town. Staff stated that the Town Attorney's office had been working with the applicant's counsel to work through the code issues, and it was their determination that a 55' height would be in compliance. Staff asked the Planning Commission to recommend to the Town Council that they consider amending the wireless communication ordinance to address the issue of structures that are out of scale with surrounding development. Staff stated that the proposed project site was surrounded by either vacant land or single story development.

Staff recommended that the Commission discuss whether or not there was sufficient screening of the block wall enclosure, the proposed landscape trees, and if there is sufficient access and parking. Staff recommended that the Commission accept public comment, ask questions of the applicant and staff, and then continue the meeting to allow time for the applicant to address design concerns and for staff to draft Conditions of Approval.

PUBLIC COMMENTS ON ITEM 1

- Michael Hayes, representative for the applicant, spoke in support of the project. He said that they had provided multiple design options, and have reduced the height since the original application. He stated that most of the lots along Hwy 62 are built out to the edge of the lot, and the proposed site is screened by a building. He said that the enclosure will be a decorative split-face block wall, and will be given anti-graffiti treatment. He said that he was not sure on the exact size of the trees to be included in the landscape, but stated that the variety grew quickly and that there was an arborist present to answer additional questions. He stated that, due to the drought, they were only proposing minimal landscaping at this time. He stated that once the trees were established, the tower would blend in well.
- Laurie Geeson, Morongo Valley, spoke in support of the project. She said she would appreciate better cell service in the area, and felt that the proposed design would blend in well, and it will be an asset.
- Ann Powell, Yucca Valley, spoke in support of the project. She had collected signatures of people in support of the project, and submitted a letter of support from a citizen who lives in the vicinity of the proposed site. She said that having data coverage was important and spoke in support of the pine tree design.
- Gudrun Mecham, Yucca Valley, spoke in support of the project. She said that people depend on wireless service.
- James Powell, Yucca Valley, spoke in support of the project, and said that he had helped gather signatures of citizens in support of the project. He did express concern over the size of the landscape trees based upon the drawings, and felt that the Town should request larger trees.
- Clint Edwards, Yucca Valley, spoke in support of the project and spoke about the need to build communications infrastructure. He said that there should be larger landscape trees.
- Robert Beam, Yucca Valley, spoke in support of the project. He said that he had fought against cell towers before, but he is in favor of them if there is a reasonable design. He spoke in support of the pine tree design. He spoke in support of including larger landscape trees and additional trees.
- Doug Jones, representative of the landowner, spoke in support of the project. He said that some of the concerns he had heard were that the applicant would build and then abandon the facility, and that the landscape irrigation might break causing the screening trees to die. He said that the Commission could require the applicant to maintain the

facility as a condition, and that bond could be created for the landscaping. He said that he felt the landscape trees needed to be twice as high as those proposed.

- Manneser Aivaziani spoke in opposition to the project. He said he owned land next door and express concern over how it would affect his land's value. He asked how the electro-magnetic field was effecting the area. He said he felt it should be in an industrial area.
- Sheila Vreeker spoke in opposition of the project. She expressed concern about the cell tower increasing cancer risk.

END PUBLIC COMMENTS

Commissioner Evans said that having cell coverage was really the issue, and that there were other things which needed to be considered. He had some questions about the watering system and tree sides, and he wasn't sure what range of coverage the tower would provide. He said he didn't oppose the cell tower, but felt there were issues to consider.

Commissioner McHenry expressed concern about the height of the project. He asked what increase of coverage the tower would provide. He asked about the size of the trees and irrigation system. He also asked about what kind of backup power would be used. He said he was glad to see the audience show up to speak, and said he would like to see the item continued to the next meeting with some additional information.

Commissioner Drozd said that lack of cell serve is an issue and that we have to plan ahead. He said that he had received calls in support of the cell tower, and that he was in support of the tower, but they needed to consider the design. He said that he personally like the water tower, but said that the pine tree design was probably more acceptable. He said that his cancer research hadn't linked cell towers to cancer. He spoke in support of continuing the item to the next meeting.

Commissioner Whitten said that cell service is valuable for private citizens, commercial enterprise, and emergency services. He said he didn't have a problem with the proposed site. He said that the pine tree design was preferable, and that he was in favor of the project. He stated that he didn't think there was any data that supported the idea that cell towers lowered property values or that they cause cancer. He said that his only concern was the size of the landscape trees. He asked staff about the Conditions of Approval. Staff said that they only had a draft of the conditions. Commissioner Whitten said that they would have to bring the item back to review the Conditions of Approval. Staff also stated that continuing the item would allow the applicant to provide revised plans which reflected the Commissions discussion on the item.

Commissioner Whitten said that he found everything acceptable, and was happy to hear that the block wall would have anti-graffiti treatment. He said that it appears that there are some Joshua trees on site, but they didn't appear on the site plan, and felt those should be shown on the site plan. He said he agreed with the larger 55" box trees, because larger trees would blend

in immediately. He said it meets setbacks, and the telephone poles are in the 40 foot range in that area. He said that if there were final Conditions of Approval he would be willing to move it forward. He also said that he did think that the Town needs to amend the Wireless Communication Ordinance.

Chair Bridenstine expressed concern over the size of the landscape trees. She was concerned that the trees would not even be as tall as those depicted in the drawing, and would like to see the largest trees that are viable used on the site. She also said that she would like to see a depiction of what it will look like from Highway 62. She said she would like more information on the height of the landscape trees. She said that she would like to address the concerns raised by the neighbor.

Mr. Hayes said that he was limited on what he was able to say on the issue, but Federal Law states that they could not consider health concerns as part of the decision. He said that there was nothing that shows that cell towers cause cancer. He said that he would like the arborist to address the Commission's questions regarding the landscape trees.

Gary Kepler, arborist for the applicant, said that speaking about the box size of the trees was irrelevant, as the actual height of the tree for a specific box size can vary. He said 36' box trees will be 35 to 40 feet tall at the time of planting, and the site plan was not an accurate depiction of the relative size of the tree to the tower. He said these tree grow very fast and are doubt tolerant. Commissioner Whitten said that accurate site plans were needed, and asked if the commission should be specific about the height of tree that should be used rather than box size, and Mr. Kepler said that was correct.

Commissioner Drozd asked for some clarification on the pine tree design. Mr. Hayes said that antenna itself was only 46' in height but the design required the additional height for screening.

Commissioner Evans said that while the photo simulation looked good the site plan was not convincing. He also asked if more trees could be included. Mr. Drozd asked if the fully mature trees would interfere with the signal. Mr. Kepler said that fully mature trees were 60 feet in height. Mr. Hayes said that whether the trees impeded the signal would depend on their placement. He said that they normally plant smaller trees, and that is what was indicated on the site plan. He said that while they do need to screen, he said that if they have too many trees at the same height as the antenna it could interfere with the signal. He said that five was probably manageable but more would be a problem. Mr. Hayes said that there was a radio frequency analysis in the agenda packet that show what is being covered, and that the original submission contained propagation maps which showed coverage areas. He said that if they are conditioned for taller screening trees, he would have to discuss it with Verizon as it was something they don't normally do. He asked if rather than carrying it over the Planning Commission could approve the site and task a subcommittee to review the Conditions of Approval.

Commissioner Whitten asked about the parabolic antenna. Mr. Hayes said that they were asking for approval for the antenna, although they might not end up needing it. Mr. Hayes said that the tree placement could reduce the requirement to trim them at a later date. Commissioner Whitten said that he would be alright with trees 5 foot higher than the trees shown.

Mr. Hayes said that they did have an emergency generator that they run one hour ever two weeks, and it is under 60 decibels. He said that each trees with have underground irrigation. He said the landscape and irrigation maintenance falls to the landlord as part of their lease. Commissioner Drozd asked if there was an issue should the Town contact the landlord. Staff stated that enforcement actions were against the applicant.

Commissioner Whitten asked if that site impede any future development because of setbacks. Staff said it would not.

Commissioner McHenry asked if it was intended to extend capacity or range. The applicant said that it was primarily to extend coverage, but it would also increase capacity.

Chair Bridenstine said that she was generally in favor of the project, but she wants to see the Conditions of Approval, a photo sim of the view from Highway 62, and elevations drawn to scale.

Staff reiterated that municipalities have no authority to make land use decisions based upon radio waves or other emanations coming of a cell tower.

MOTION

That the Planning Commission continues to the Public Hearing to the meeting of July 28, 2015.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Steve Whitten, Commissioner
SECONDER: Charles McHenry, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

CLOSE PUBLIC COMMENTS

STAFF REPORTS AND COMMENTS

Staff provided an overview of the status of current and upcoming development projects.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd thanked everyone for their work.

Commissioner Evans had no comments.

Commissioner McHenry had no comments.

Commissioner Whitten thanked staff, and wished everyone a happy 4th of July.

Chair Bridenstine thanked the public who came out to speak on the issue, and thanked staff. She said that she didn't think they could approve anything without Conditions of Approval. She wished everyone a happy 4th of July.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, July 28, 2015.

ADJOURNMENT

There being no further business, the meeting adjourned 7:18

Respectfully submitted,



Allison Brucker
Secretary