



#18publiccomment  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

**Please UPHOLD Denial of ORHSS Verizon Light Towers. Findings are not supported by evidence in the record. At a minimum, send it back for complete revision!**

2 messages

Ken Greenwood <kg@d-web.com>  
To: BOS Clerk Jim Mitrisin <edc.cob@edcgov.us>

**LATE DISTRIBUTION**

Tue, Jul 20, 2021 at 1:37 PM

**DATE** 7/20/2021  
BOS 7/20/2021

Dear Board of Supervisors,

Please see my comments on this item when it was heard before the Planning Commission on March 11, 2021. I stand by these comments now more than ever! This project must be denied, or at a minimum Continued to allow a TRUE analysis under CEQA AND our existing WTF Ordinance. So much is wrong here!

Once again the WTF Ord has failed to mandate adequate review of the Project. Additionally this IS NOT a minor expansion of an existing facility as Verizon has no facility on site! Additionally, the Light Towers/Antennae are for other carriers AND are not immediate or adjacent to the proposed towers. This is a "Stand Alone" project as there is no tie to the others, except they are on the same Parcel of land. The CAT-EX is a stretch at best.

The Noticing of the project is once again limited to 1000 feet and excludes the nearby elementary school. I also consider the failure to mandate Notice out to 1 mile, AND ANY NEARBY SCHOOL as I would imagine that most Parents would be concerned about the location on or near their children's Campus.

Please keep in mind the conclusion of my message to the PC:

In Closing, it has already been said TWELVE different ways above ^^.

- You CANNOT make the required Findings for several items as above and follows;
- The Cat-Ex is not appropriate;
- The project Description is flawed;
- Therefore the Conditions of Approval are incomplete and flawed; and
- You CANNOT approve the project today.

I'm sure there are many more flaws in this Project form top to bottom. I hope this cursory analysis proves that, and that there is a REAL need to Revise the WTF Ordinance and potentially consider an "Urgency Ordinance" to adopt some realistic setback, Notification to 1 mile and other considerations while the WTF Ordinance is revised. This abuse of process has to end.

Please Uphold the Denial of this project.

Thank you,

Ken Greenwood

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Dear Planning Commission,

Please Deny Item #4, Verizon Light Towers. The Required Findings for CEQA and for Approval of a Special Use Permit are not supported by evidence in the record.

At a minimum, send it back for complete revision! I have discovered SERIOUS deficiencies with a fairly cursory evaluation. I'm sure there are more problems.

I apologize for the lateness of my request for Denial of Item #4 on today's Agenda. Other items came up and I wasn't able to start on this earlier. It's late and I will try to keep this brief and to the point. If this had been done right, there would be no need for the discussion that follows.

#1. At a Minimum, Agenda Item #4 DOES NOT qualify for an CEQA Exemption under Section 15303 of the CEQA Guidelines which states that:

"projects which consist of the construction and location of limited numbers of new, small facilities or structures including accessory structures appurtenant to a primary structure."

As the attached photo indicates, the proposed light towers on the right are in no way a "small facility or structure" when compared to the existing light towers on the left! Everything about them is larger in diameter, in height: 21 to 25 feet (28% and 32%) taller and there is the additional bulk and size of the Antennae themselves compared to the diameter of the existing light poles. This is "minor" expansion in no way, shape or manner. The proposed replacement towers are the tallest structures within a mile and ONLY surpassed by the SMUD(?) transmission line towers approximately a mile to the north and east. These proposed towers and accessory structures will be a significant increase in size, height and bulk of the relatively small light poles that currently occupy the east side of the track. Additionally, there is no quantification of the the nature of the expansion by side by side comparisons or illustration with dimensions clearly indicated to support any claim of "Limited" or "Small" for this project.

You cannot justify the proposed CEQA Exemption and Finding 1.1 is not supported by evidence in the Record to reasonably support this finding. Therefore the project is not supported by the Environmental documentation. It must be withdrawn from consideration at this point and be reconsidered with a better project description with more specifications and processed as a Negative Declaration and additional Conditions of approval added.

#2. There is NO description or specifications of the replacement lights themselves in the project description nor the Conditions of approval, therefore no possible way to make a determination that the lights will not be a detriment to the neighborhood. Therefore the required finding of no detriment to the neighborhood is possible as it cannot be quantified nor even qualified. Stadium lights are by their very nature EXTREEMLY BRIGHT and raising them 21 to 25 feet (28% and 32%) higher must cast their light even further to the adjacent traveled way and onto the adjacent Single Family Residential neighborhood(s).

This Project is therefore Detrimental to the neighborhood and must be denied (or withdrawn from consideration at this point and processed as a Negative Declaration and additional specifications and Conditions added). The required findings cannot be supported by evidence in the record.

#3. Finding 2.1 General Plan Consistency has a problem with use of General Plan Policy (GPP) 2.2.1.2 as the proposed project won't provide an increase in service to the Oak Ridge Campus as

it is already served by Hard-line DSL type internet connections that are superior to wireless Broadband. Yes Johnny Senior can stream his video of cartwheels to Instagram via an improved Verizon Link, but that is not necessary to his educational pursuits and the Evidence supporting the finding is therefore somewhat thin on substance.

#4. Finding for GPP 2.2.5.2. is also suspect. There is no discussion nor evidence in the record (as there is no checklist) of the Aesthetics issues of light and glare onto adjacent Residential and Transportation uses as there is discussion or explanation or conditions of approval regarding the higher and unspecified brightness of the replacement lights. A better Project Description, a Proper Checklist and Negative Declaration would go a long way to assisting this potential impact be mitigated to insignificance. Currently there is no evidence in the record to support such a claim.

#5. The project IS NOT consistent with General Plan Policy 2.2.5.2.1. as the rationale is severely flawed with respect to the lack of any third party verification of the applicant prepared "Alternative Analysis" (AA) that is truly flawed. Actually the AA suggests that a landowner didn't respond to ONE letter/"try" and therefore can be discounted is absurd! Did you send another letter, perhaps Return Receipt Requested and/or did you knock on their door or other Low Tech approaches before the site was disqualified. No! Did anyone from Planning Staff check up on any of these assertions? Don't clearly see it, therefore it doesn't exist, and therefore the whole integrity of the AA is called into question. A third party independent review is needed to make these claims supported by evidence in the record.

Additionally, the assertion that "as there are already multiple carriers located on light standards on the field" such that we should really "LOAD UP" this site with towers is justification to accept a poorly documented and peer reviewed AA. That's not meeting a standard.

#5. Findings 2.2 through 2.18 are OK. This project will have little to no impact on traffic, except short term impacts during construction. But since there is no Checklist and no MND, we really can't say for sure, can we? No, we can't.

#6. Zoning Finding 3.1 is in a bit of quandary with the following statement:

The proposed project is consistent with the Single-unit Residential (R1) (Exhibit D) zoning designation as communication facilities are allowed within the R1 zone with the approval of a conditional use permit. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Residential Zone Development Standards) for height and building setbacks.

Yes, the SUP is clearly needed and the setbacks, as minor as they are, have been attained by the project design and site plan. HOWEVER analysis for HEIGHT is not discussed anywhere that I can find. R1 is 35 feet as I recall and the proposed towers are 76 and 80 feet tall. Where is the discussion on this deviation from R1 Development Standards? I don't see it either. Time to go back and properly review this project with an adequate Project Description, Checklist and MND.

#7. Finding 3.2 suggests: "The project is consistent with Chapter 130.34: Outdoor Lighting." Really? How does the description of "How" pass muster?

"The proposed project is consistent with the outdoor lighting standards. The light standards currently exist on the Oak Ridge High School Football Field. This project will increase the height of light standards to 80 feet. All currently existing football field lighting will be mounted onto the new light standards. The field lighting will remain aimed at the football field. The outdoor lighting as proposed will not change from the current lighting plan. Therefore, this proposal will remain consistent with outdoor lighting standards."

So NOW we mention the existing lights will be used... That's not in the Project Description or the MND that was not prepared... Problem still is that they will be 32% higher and it's tough to not cast "additional light" from that angle. Don't know as there is not a recognizable "lighting plan" referenced in the findings or anywhere else in the record.

BTW: If I was sponsoring this or the property owner (EDUHSD/OR), I would at least upgrade the lights to "GREENER" versions and include all the comparative "before and after" specifications to the Planning Staff so it could be included in the record, and especially the MND that should be prepared for this project.

#8. As this "Approval" would allow future Collocation by Right, WHY is there no analysis of the project as a whole? HOW many more panels could be added? What would it look like? That is not allowed and the basis of one or more landmark cases in CEQA History. The Photo-Sim only illustrates what the current proposal will look like, not what the future actually holds. Therefore, the Photo-sim documentation is flawed and must be brought up to illustrate the true nature of the project. Otherwise, Collocation would not be allowed as we never "saw it for what it really was" and again, that's not allowed under Case Law.

Additionally, that REALLY takes it out of the proposed CEQA Exemption EVER FURTHER! I hope it is clear that the Cat-Ex is not going to work here. I recall in the presentation on CEQA And Project Processing Monday March 8 that you should avoid Cat-Ex and defer to the MND to play it safe. Seems to be ringing true here. Please send this one back, better define and explain the Project in its totality and bring it back for hearing in the future.

#9. Finding 3.3. "The project is consistent with Section 130.40.130: Communication Facilities." Yeah kind of in that it does require an SUP, but it should also say you should do a proper Environmental Document, that is an MND.

#10. Finding 3.4 "The project is consistent with Section 130.40.130(A). Section 130.40.130.A minimizes the number of communication facilities by encouraging the joint use of towers and service providers to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and development of new sites that are multi-carrier."

Per the above discussion #8, there is a failure to do a complete and accurate portrayal of the size and bulk of the REAL and ultimate project. Therefore, the lack of an accurate Photo-Sim and other issues, the project is not ripe for consideration.

Also, the Alternative Analysis is clearly flawed and not subject to third party review as above.

#11. Finding 3.6 is in trouble! Per above, the Photo-sim is present, but DOES NOT accurately represent the true portrayal of the Project.

"The project is consistent with Section 130.40.130(C-H). Section 130.40.130(C-H) of the Zoning Ordinance requires that in all wireless communication facilities meet certain criteria. Below is an analysis of these standards:" NO it isn't!

There is NO discussing of the 76 and 80 foot height that exceeds R-1 Standards.

#12. Finding 3.6 is in BIG trouble!

H. Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur: 1. School District Notification. If the proposed wireless facility

is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.

Rationale: The proposed wireless facility is located on the Oak Ridge High School Football Field. A notice was mailed to the El Dorado Union School District and no response was received.

>>> OK, fine, but there is another School across the street, Rolling Hills Middle School. I am awaiting verification, but there is NO initial indication they were noticed of this at the "Initial Consultation" but Notice **should** have occurred for the Hearing Notice.

There is another Elementary School (Silva Valley ES) 1001 feet south of the project area (per Exhibit E, "Notification Map") and I would have noticed even if this section of County Code didn't exist. They likely received no notice at all, yet they probably should have.

Once AGAIN, there is a ANOTHER procedural ERROR in the processing of this application and the Planning Commission has NO CHOICE but to send it back to staff for a complete re-do, including proper CEQA Analysis, Project Description and strict adherence to EXISTING and inadequate Wireless Ordinance.

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I have also contacted the nearby Schools, as well as their PTA groups and will send them these comments.

Thank you for your consideration,

Ken Greenwood

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2021-03-11 ORHS Tower  
747K

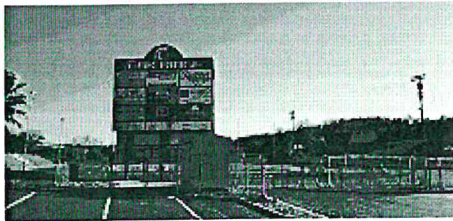
To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Sue Hennike <sue.hennike@edcgov.us>, Laura Schwartz <laura.schwartz@edcgov.us>, Tiffany Schmid <tiffany.schmid@edcgov.us>, Robert Peters <robert.peters@edcgov.us>, Jeanette Salmon <jeanette.salmon@edcgov.us>, Julie Saylor <julie.saylor@edcgov.us>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>

FYI #18

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