

FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2016

AGENDA ITEMS

4. 16-0041 Hearing to consider the Verizon Wireless Communication Facility Arrowbee Monopine project [Special Use Permit S15-0004]* to allow a new 90-foot tall monopine tower, outdoor equipment cabinets, standby diesel generator, and related ground equipment on property identified by Assessor's Parcel Number 105-140-06, consisting of 5.02 acres, located in the Placerville area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S15-0004 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Chair Stewart announced that there was a continuance request from the applicant that the Commission would first consider.

Aaron Mount explained that the applicant's agent had submitted a written request to continue the item to the March 24, 2016 meeting, but that staff was recommending a continuance to the March 10, 2016 meeting.

County Counsel Dave Livingston stated that if the item was continued to the March 24, 2016 meeting, that the applicant would be requested to extend the FCC shot clock.

Mark Lobaugh, applicant's agent, stated the continuance was requested due to the Radio Frequency engineer being unable to attend today's meeting. He also stated that some recent design revisions may be able to address some of the concerns that are being expressed. Mr. Lobaugh understood that the public wanted to move forward with this item today and perhaps a solution would be to allow public comment on the project, but continue final action to the March 24, 2016 meeting.

There was discussion between County Counsel, staff and the Commission on options regarding the continuance request and still allowing public comment today. Chair Stewart confirmed with Mr. Lobaugh that by moving forward today to receive public comment on the project, that he would be withdrawing his continuance request. Mr. Lobaugh concurred.

Chair Stewart opened the item for the hearing.

Mr. Mount presented the item with a recommendation for approval. He stated that public comments received were centered around the aesthetics.

Chair Stewart requested County Counsel to provide an overview of the Commission's purview on cell towers.

Mr. Lobaugh made the following comments:

- Summarized actions taken in locating proposed site;
- Proposed site was selected due to the following:
 - Agreeable landowner;
 - Good existing tree coverage;
 - Area has good radio frequency that would work with entire network;
 - Provides broadband capacity and coverage;
 - Site meets County, Verizon, and Fire Code regulations; and
 - Location selected so it could work with the rest of the network;
- Requested to add additional brush planting with only Toyon;
- Had previously requested a continuance to allow for a public outreach meeting and had been unsuccessful in locating a meeting site despite numerous attempts with the local school in reserving a meeting room;
- Spoke on fire access restrictions;
- Stated possible design changes that may be able to reduce size of site but would need to be further researched;
- Area is continuing to have additional demands and wants to address future growth and also improve current usage;
- If facility is not installed and growth rate continues, usage will be impacted;
- Common in this County to have cell towers on residential properties; and
- Facilities are placed where the people are in order to serve the customers.

Janet Barbieri, Arrowbee resident and speaking for a group of Arrowbee residents opposed to the project, made the following comments:

- Project has been in the works for 2 years but neighborhood was not contacted until recently;
- Board member of the Gold Trail Union School District;
- Referenced opposition documents submitted; and
- Requested denial.

Emily Nguyen, Arrowbee resident, made the following comments:

- Project is injurious to the neighborhood for the following reasons:
 - Negative aesthetics;
 - Decreased property values;
 - Industrial blight and noise impacts;
 - Impact to 4 Corners Landowners Association; and
 - Introducing a business enterprise to a rural neighborhood.

Chuck Stevens, Arrowbee resident, made the following comments:

- Application is deficient;
- No reasonable range of alternatives as applicant didn't go outside of the neighborhood;
- Search ring criteria was not provided;
- Errors and misstatements in the application;
- Latest submission of drawings is lacking the septic system location that was identified in the original drawings/plans; and

- Referenced the call logs.

Keith Atwater, 24 year resident at Lake Arrowbee, stated that any resident that uses the park would be able to see the cell tower. He also stated that Toyon is a shrub, not a tree, and it won't screen anything.

Tom Leffler, Arrowbee resident, made the following comments:

- Retired and moved from Bay area 12 years ago;
- This is about the money;
- Property values will decrease; and
- Blight on a beautiful area forever.

Ron Crother, Arrowbee resident, made the following comments:

- Worried about health concerns;
- Decrease in property values;
- Eyesore;
- Not uncommon for monopine cell towers to be significantly impacted by high winds which are normal for this County;
- No notice of intent was provided to the residents;
- No public outreach;
- Reject project and direct the applicant to find another location; and
- Tower would loom over residents.

Michael and Carmen Wilcox made the following comments:

- Immediate neighbors;
- Was never contacted by the applicant as an optional site, as stated by the applicant's agent;
- Would see the tower;
- Impact would be devastating and would be forced to live under the tower;
- Uncle in Virginia who had bought property to develop 6 up-scale homes ended up taking over 4 years to sell them at a loss due to a cell tower being constructed adjacent to the development;
- Has no problem with their Verizon service;
- Requests that applicant find another location;
- Oak-looking cell tower that is shorter would be better than what is proposed; and
- Community is irreplaceable.

Iona Meredith, 25-year resident, made the following comments:

- President of the 4 Corners Landowners Association, which is a non-profit corporation;
- Spoke on the Association's jurisdiction and responsibilities, which include payment of dam fees;
- Cell tower would be viewed by users of the lake;

- Concerned that residents would stop using the lake and stop paying the dues, which would cause the Association to lose membership and be unable to pay the dam fees, thereby losing control of the recreational resource; and
- Deny the application.

Julie Bauer made the following comments:

- Owns lakefront property;
- Verizon doesn't want to hear from the neighbors;
- Works at the local school and doesn't believe the applicant's agent was unable to rent a room at the school; and
- No issues with service and this project wouldn't be a benefit, only a negative impact.

Walt Huckabee, Arrowbee resident, made the following comments:

- Thanked the Commission for taking their input;
- Endorsed other speakers' comments;
- Noise concerns;
- Tower is expandable;
- Impact assessment should contain life of project;
- Concerns on traffic flow, safety, and road impact;
- Spoke on environmental assessment report; and
- Applicant needs to provide fair share in addressing impacts.

Linda Stevens, Arrowbee resident, made the following comments:

- Spoke to applicant's agent last week when she was contacted by him, not 2 weeks ago as stated;
- Excellent cell phone coverage with Verizon Wireless already in area;
- Rural neighborhood;
- Held 2 open meetings, sent mailers, and placed fliers on mailboxes in order to get information to residents, in addition to a website and conducting research;
- Residents heard of project from the County, not the applicant, and landowners of the proposed site didn't even notify their adjacent neighbors;
- No public outreach;
- Deny Special Use Permit;
- Injurious to the neighborhood;
- Lives have been disrupted;
- Causes financial harm to residents;
- Negative impact to aesthetics;
- Did not invite applicant's agent to their public outreach;
- Unfortunately there was a last minute rush of documents submitted and they had not meant for it to be a "gotcha";
- Wants the applicant to move the location; and
- Outreach should have occurred months ago in order to allow residents to voice their concerns.

Commissioner Miller commented that communication goes two ways and although many have commented on the lack of a public outreach meeting, it appeared by the public testimony received that it would have been a moot point since the residents don't want the project there.

Kathy Leffler referenced submitted letters and agreed with her neighbors' comments. She wanted to ensure that two photos were submitted for the record and provided them to the Clerk. Ms. Leffler invited the Commission to her property for a site visit.

Brenda Burton just purchased a home that would have a direct view of the cell tower and stated that she probably wouldn't have bought it had she'd known about the project.

Bob McConachie made the following comments:

- Adjacent to proposed tower location and it would tower over his home;
- Would not have bought home if he had known of the project;
- Dead oak trees on the hill;
- Tower will be on a raised platform;
- Sun will reflect off of the tower;
- There is no "up-side" for him on this;
- Not in support of increasing the service in the area as his vehicle has already been rear-ended by a kid texting and driving;
- Industrial use being built with a large footprint;
- Additional road cuts will cause more drainage;
- Narrow roads with limited site distance and deep ditches;
- Spoke on impact to roads during construction phase;
- Since industry is on the cusp of 5g, why not give it some time to help increase the broadband; and
- Didn't know about project until October 2015.

Loretta Webb made the following comments:

- Although not a resident in the project area, had attended the hearing for the Swansboro cell tower and spoke on Mr. Lobaugh's comments for that project regarding alternative sites; and
- Requested the Commission to have Mr. Lobaugh speak on the alternative sites.

Larry Raboy made the following comments:

- Currently living in Fremont but is in the process of preparing to move to property adjacent to proposed site;
- Will still move even if the cell tower goes in;
- Heard about the project during a recent visit;
- Thanked the Commission for listening to the public comments and hoped they would not be swayed by the economics; and
- Landowner didn't talk to any of the neighbors about this upcoming project.

Michael Moreno, Arrowbee resident, made the following comments:

- Referenced submitted public comment letter;
- Has great coverage with Verizon Wireless; and
- Has great internet coverage with another provider.

Richard Wanner stated that he is not a resident of the project area, and knows that the applicant wants the cell tower but inquired how many lives do they need to ruin in order to get it.

Chair Stewart closed public comment.

Mr. Lobaugh made the following rebuttal comments:

- Spoke on co-location;
- Explained that photo-sims are taken from a public perspective;
- Had never been contacted or invited to discuss the project;
- Tried numerous times to coordinate with Linda at Sutter Mill School to reserve a room for a public outreach meeting;
- Provided a handout to the Commission on Wireless Facility Impact on Property Values;
- Requested a 4-week continuance to possibly address the concerns;
- This would be an unmanned facility;
- Spoke on various items that the project would be in compliance with;
- A hearing is the process for this type of request;
- Tower would be on a raised platform to eliminate the amount of soil moved and would promote drainage to occur under the platform;
- The submitted drawings are zoning drawings, not building drawings, which would be submitted at the time when a Building permit was being pulled; and
- Appreciated the public comment in order to hear the concerns and will share this with the applicant.

In response to various questions from the Commission, Mr. Lobaugh made the following statements:

- Existing facilities are currently maxed out and can't be expanded;
- Never heard of a cell tower falling over and if one did, it is designed to crumble down;
- Fans are in units and a noise analysis was conducted which showed compliance with standards;
- Proposed site is in a bowl and locating a tower outside of the area wouldn't serve the identified area; and
- Willing to extend the shot clock if the item was continued to the March 24, 2016 meeting.

Commissioner Williams made the following comments:

- Spoke on the public comments regarding alternative sites not being contacted;
- Area is not an established dead zone as stated by the applicant's agent;
- If the 4 Corners Landowners Association loses funding, they could lose the lake; and
- Locating a cell tower 500 feet from a residence is a sticking point.

Chair Stewart made the following comments:

- Uncomfortable with the coverage explanation being provided;
- Inquired on public comments regarding cell tower height increase;
- Inquired on General Plan; and
- Wanted to see more information on coverage, alternative sites, and aesthetics.

Commissioner Miller made the following comments:

- Project would only benefit the Lake Arrowbee area and if the tower was not built, then only the residents would have a negative impact;
- In-depth explanation is needed of any other way to upgrade the service from another location; and
- Commission does read all of the public comment and it won't be forgotten by the next meeting.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Williams, and carried (5-0), to continue the item to the March 24, 2016 meeting.

AYES: Miller, Hansen, Williams, Shinault, Stewart
NOES: None