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EDC COB <edc.cob@edcgov.us>

Deny ATT Appeal of S17-0016 Site 1 and Revise Wireless Review Process

1 message

Ken Greenwood <kg@d-web.com>

Mon, Aug 27, 2018 at 4:46 PM

To: edc.cob@edcgov.us

Cc: Ken Greenwood <kg@d-web.com>

Subject: Deny ATT Appeal of S17-0016 Site 1 and Revise Wireless Review Process.

Dear Board of Supervisors,

Please Deny the ATT Appeal of the Planning Commission Denial of S17-0016 Site 1.

I have been an active participant in the Hearing process of this and associated sites 1-7 of this project. The issues associated with each locations are frighteningly the same or similar and I therefore attach my "Blanket Denial" appeal as "Global Reasons" to deny Site 1. I attempted to submit the attached Appeal Form for ALL of S17-0016, but Mr. Trout refused to do so unless I paid \$1673 for all seven. To an extent I understand as the PC acted on each site, BUT all seven were covered under the same Negative Declaration and were always reviewed by the public and Reviewing Agencies as one project.

I will also address the ATT items for appeal to support the original action by the Planning Commission on July 26, 2018.

#1 ATT Claims "The Alt. Site Analysis is in compliance with El Dorado County Zoning Ordinance."

Taken as a whole, this is untrue. As Attached indicates, the CEQA analysis (required by the SUP Ordinance Findings and Conditions) is incomplete as a meaningful and systematic review of Alternative Locations (AL) was not accomplished as the LU % coverage is a moving target that has no real meaning except to justify itself! This LU Polygon approach has no basis as an Internet Search for its existence shows no documentation, and none has been submitted by ATT. Therefore we have what appears to be "Junk Science" being used for factual documentation "for AT&T's coverage needs." Sounds like a self fulfilling prophecy that has no place in El Dorado County's decision making process. There are alternative locations that likely cover as many "Living Units" but in a different configuration.

The "Wireless Ordinance" has only a "suggestion" that it would be nice if other locations were considered and other NON-SPECIFIC language. Not sure we should hang our hat on that "policy statement" from that section of the Ordinance.

This is another reason a County-wide analysis is in order from a third party is necessary to intelligently approach tower siting.

Again, a fail on a meaningful "Alternative Analysis" and a real need for a more SYSTEMATIC way to attain coverage for El Dorado County RESIDENTS, who I thought were the target audience.

#2 ATT similarly claims "Additional properties were reviewed but received no response from the owners."

How long and how hard did ATT knock on their door? Do we have "proof of inquiry" of some similar documentation. My site visits to these sites indicates that many "ridgetop" property owners were not contacted when I asked them face to face. BTW: Some were even willing to host a site, but most were not.

Again a fail on a meaningful Alternative analysis as required under CEQA and plain common sense.

#3 "The access route is adequate for the commercial activity and would be further reviewed and approved at the Building Permit process."

Interesting as that really should be PROVEN up front as part of the application process (ANOTHER flaw in the existing Wireless Ordinance). I also recall the "Post Discretionary Approval" process left to the "Permit" process was a fail on a number of my (especially) Parcel Map projects. Inspectors let many Conditions not be implemented.

An "up front" process, and cash bonding approach seems a much better solution to guarantee road Conditions are in fact implemented in a timely and complete manner.

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#4 "Access Rights are available, however, Access Rights are considered a civil matter and not a legal (sic) required jurisdictional matter."

These issues should all be locked-up, airtight and signed in ink as a Condition of APPLICATION, not as an afterthought. It gives ATT a lever, essentially endorsed by El Dorado County to pressure reluctant people to settle versus fight a corporate entity with unlimited legal resources.

This is bad public policy and another reason to include and anticipate such provisions in a revised Wireless Ordinance.

Thank you for your consideration and NO VOTE on Site 1 of S17-0016.

Sincerely,

Ken R. Greenwood

Straight Shot Consulting
530-306-6390 (C) kr@k-d-web.com

Attachment to 08/27/18
E-mail.

File Number: _____

Receipt No.: _____

Date Received: _____

Amount: _____

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Ken R. Greenwood

ADDRESS 6400 Kristin Lee Way, Placerville, CA 95667

DAYTIME TELEPHONE 530-306-6390

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT NA

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

I appeal the decisions by the Planning Commission on July 26, 2018 to deny Site 1 of S17-0016 and the Approval of Sites 2-7 of S17-0016. Agenda Item 3. 18-1015

Reasons for Appeal: See attached and include the entire record of S17-0016, Sites 1-7.

Relief sought: Denial of all Sites of S17-0016 and direct Staff to review the Wireless Ordinance to allow a County-wide and systematic review of existing and approved wireless projects to determine the factual need for any additional sites. Review should include all other sources of internet connectivity to serve El Dorado County residents. See Attached for "Reasons" and additional "Relief" sought.

DATE OF ACTION BEING APPEALED July 26, 2018 Item 3. 18-1015

Signature _____

Date Site 1 Aug 29

Attachment to Appeal of S17-0016 Requested by Ken R. Greenwood 08-09-18

Dear Board of Supervisors,

I appeal the Actions taken (Denial Site 1, Approval Sites 2-7) of Conditional Use Permit Application S17-0016 Sites 1 through 7 (Agenda Item # 3, 18-1015) by the Planning Commission on July 26, 2018 and request the Board of Supervisor Deny Application S17-0016 IN TOTAL as Relief.

Relief sought: Denial of all Sites of S17-0016 and direct Staff to review the Wireless Ordinance referenced below to allow a County-wide and systematic review of existing and approved wireless projects to determine the factual and actual need for any additional sites. Review should include all other sources of internet connectivity to serve El Dorado County residents. This effort should ultimately be funded via wireless service applicants. Additionally, the effort should review alternatives, potential environmental impacts, costs and perhaps the best vehicle is a Program EIR as defined under CEQA.

I Appeal these actions for the following specific reasons:

1. Based on testimony and evidence in the record (incorporated by reference throughout this Appeal), "the Actions" on Agenda Item 3 (herein referring to above definition) are inconsistent with the required findings for Conditional (Special) Use Permits per Section (130.52.021. C. 2.): "The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood." Based on testimony and evidence in the record I believe it is Injurious to the neighborhood as it will be constantly and forever visible from Residential Parcels and are therefore an Aesthetic intrusion into the owners lives and for the rest of their lives, or until they sell their homes. There are viable alternative locations nearby that were not meaningfully analyzed.

2. Based on testimony and evidence in the record, the Actions are inconsistent with the required findings for Conditional (Special) Use Permits per Section (130.52.021. B.) that a project is supported with CEQA policy and requirements regarding "Alternative Analysis and that there are no significant environmental impacts; (130.52.021. B.): "The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA".

This approval is similarly inconsistent with the intent of the "Wireless Ordinance" as cited below. I believe the CEQA analysis is severely flawed and there was considerable testimony at three hearings and staff did not respond to these concerns via any meaningful responses "suggested" by CEQA Process.

I believe the CEQA analysis of Alternatives was virtually non-existent and only (poorly) conducted by the applicant to point ONLY to their 'contracted' site. I believe that this lack of MEANINGFUL Alternative Location and Co-Location is inconsistent with the INTENT of CEQA to consider such analysis.

Similarly, we believe the current process is flawed and a COUNTY-WIDE approach to antenna location MUST be undertaken through an overlay mapping program to identify current and approved locations, their coverage via ALL PROVIDERS, including "Hardline Providers" (Comcast, ATT, etc) as well as other over the air providers to clearly identify "Coverage Needs" County-wide. A Program EIR is needed to achieve this goal, and then we can go about providing service to our rural community as envisioned by CAF technology and Federal desires (NOT MANDATES!) to provide such service.

3. Based on testimony and evidence in the record the Actions are not consistent with the Wireless Ordinance: (130.40.130. A.): "The Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare."

We believe the proposed location and the "System" proposed by ATT (and others) is not consistent with this "Finding" the BOS used to adopt the Wireless Ordinance.

4. Based on testimony and evidence in the record the Actions not consistent with just plain common sense of who bears the price of these facilities without compensation. We will have to suffer all the impacts of these towers and if we are served by this or that provider, we might gain better internet connection. But at what cost? Is there an alternative? Yes, but that has not been clearly analyzed and illustrated to our satisfaction. This is seen as a "takings" issue that is unresolved with current County Policies and must be resolved prior to approval of any additional facilities.

5. Based on testimony and evidence in the record the Actions are inconsistent with established hearing procedure and "fair play" if you will. The Planning Commission advertised and heard this Project as "One Application" originally on the February 8, 2018 Agenda and decided to separate them into seven (7) projects for approval as it appeared some sites were generating more comments and opposition than others. As the hearing progressed, each item was voted on for approval, but it was a 2:2 "Split Vote" (as there was not a "Full Commission of 5, but a "Quorum" of at least 3) that by Rule is equal to a Denial.

The majority of those in the audience were confused by this process, but were thrilled by the explanation that such a vote functioned as a denial. Aesthetic, Access and Alternative Analysis issues were cited by the Commissioners as primary reasons for Denial. The Planning Commission then directed staff to "Craft" Findings for Denial that were consistent with El Dorado County Policies and Procedures, CEQA and Planning Law, and return February 22 with these "Crafted" Findings. The majority of the Public in attendance February 8 did not foresee the possible results of the February 22 hearing as they were under the impression that the Project was to be Denied with the "Crafted Findings" and therefore did not attend as they have jobs and other obligations. To the surprise of many, ATT submitted a letter on February 21, 2018 to staff proposing some modifications to the project and asking for a continuance of the project for one stated purpose: "Public outreach" to answer questions from concerned neighbors. Two meeting occurred on July 11 & 12 and then Staff scheduled a hearing for July 26, 2018. Indeed it was "advertised" per County policy and State Law, but some, given the actions of February 8, were confused and may have not attended.

The point here is the "Project" was "modified" by lowering the towers 20-30 feet (presented in a July 24, 2018 Memo from Planner Evan Mattes to the Commission entitled: "S17-0016/AT&T CAF 4; Revised Project Description and New Conditions) During the hearing there were "Visual Simulations" that were at first claimed to be representing "Reduced Height" but were in fact the same as before. Additionally, the memo didn't allow the Public (or the Commission or Fire and other reviewers) much time to consider the "Revisions" to the project. Again, it felt as if the "Project" was now this 'moving target' that was a guess to all involved, including the Commissioners. The Vote on Site #1 was 2-1 for Approval that once again meant "Denial" due to procedural Rules.

To most in attendance, it just felt a little disingenuous, and while not a 'violation' of Law or Ordinance, it appeared dishonest.

As the Commission considered additional sites, there was a mention by the Chairman that there were 36 comments supporting "the project" and many were "Form Letter" comments (perhaps 10) and some other 'more original' e-mails; but all praised the overall concept of "Wireless Internet" to El

Dorado County IN GENERAL with NO reference to S17-0016. Lofty, but not applicable to the project in question. The "10 in Support" were focused on one or more of the specific locations under consideration. Another disingenuous situation that swayed one Commissioner to vote to Approve the rest of the 6 locations. Pretty thin reason to support such a project that impact and be "injurious" to the neighborhood.

We understand that we all want "better internet connection" but when it comes to putting it in YOUR backyard, with no compensation, it feels wrong and may amount to a "takings" especially regarding setbacks that do not protect neighbors from "Tower Failure" damage.

6. Based on testimony and evidence in the record the Actions are inconsistent with the meaning and function of "Setbacks" to achieve balance in the activities on one parcel or Zone from those of another, as well as "Public Health Safety and Welfare" provisions in State Law and County Ordinance. In the case of a 100 to 160 foot tower, meaningful setbacks are not provided if a tower were to "Fall over" for or by whatever means. This concept also applies to "Shading" and "Visual" impacts on surrounding Residential parcels. The Sites in most of S17-0016 are subject to a maximum 30 foot setback and tower height is or exceeds 100 feet. I would not like the liability of such a situation if I were a neighbor, OR a wireless provider. Providers have far more insurance than any Residential owner could possibly afford, so they willing to risk it, whereas a Resident would not want to risk it given the CHOICE to do so.

Sadly, this reality is a takings without compensation for adjacent landowners. A revised "Wireless Ordinance" must include REQUIRED setbacks to eliminate this takings and threat to Public Health, safety and welfare.

7. Based on testimony and evidence in the record the Actions are inconsistent with the "Access Road Construction damage" that always results from construction of these sites. The conditions requiring before and after photos are meaningless to truly mitigate the damage and once again counter the SUP Finding of "Not Injurious" to the neighborhood. Road damage is a reality that cannot be avoided and is BEST mitigated by a CASH BOND to be only released upon agreement by the effected parties upon completion of the work. The County uses similar conditions on road construction and erosion control measures, why not here?

8. Based on testimony and evidence in the record the Actions are inconsistent the purpose and intent of Wireless Ordinance itself. This indicates that the "Wireless Ordinance" is out of date as 4G LTE (and soon "5 G") needed density of towers (1 to 2 miles/tower 4G LTE vs 5-12 miles for phones) was not part of the discussion in the crafting of it. Therefore, the Ordinance is outdated AND as above, the Actions are inconsistent with the Ordinance.

Therefore, the Relief requested is: The El Dorado County Board of Supervisors DENY S17-0016 in total and direct Staff to address the above issues and suggestions to develop a systematic approach to providing "Wireless Internet" from all providers (and other sources) to the residents of El Dorado County. A Program (or some other) EIR should be the tool to provide a firm base for our decision makers. Then re-evaluate all future "Wireless" Applications under the revise program approach.

Thank you for your consideration of my Appeal.

Ken R Greenwood

#43



EDC COB <edc.cob@edcgov.us>

LATE DISTRIBUTION

Deny site 1 of S17-0016

1 message

DATE

8/28/2018

BUS 8/28/2018

judi green <judigary@pacbell.net>
To: edc.cob@edcgov.us

Mon, Aug 27, 2018 at 10:23 PM

I'm a long time resident of our wonderful town, Placerville.

I'm fully aware of the need of better internet/cell communication through out the entire area. Towers are probably the only "fix" for our issue. Unfortunately ATT is looking for the easiest and cheapest locations to place their towers, giving no thought to how they will affect those living in the surrounding areas. ATT needs to spend more time finding alternative locations.

We are concerned if a tower is placed in our neighborhood our property values will drop

Please, pay attention to the people you are here to represent and listen to their wants and what they don't want.

The towers will be disguised as trees, if it's sitting on a piece of property close to my home.....I live in pleasant valley near the proposed location for site 3. The towers are an eyesore, ruining the beautiful, serene area I have lived in for many years.

Please pay attention to what the citizens of Placerville want.

Thank you
Judi Green
4591 Brocks Lane
Placerville 95667

Have a great day 👍



EDC COB <edc.cob@edcgov.us>

Fwd: S17-0016 appeal to Board of Supervisors

1 message

Char Tim <charlene.tim@edcgov.us>
To: EDC COB <edc.cob@edcgov.us>

Tue, Aug 28, 2018 at 7:41 AM

Char Tim

Clerk of the Planning Commission

County of El Dorado

Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5351 / FAX (530) 642-0508
charlene.tim@edcgov.us

----- Forwarded message -----

From: **Bruce Person** <bperson03@sbcglobal.net>

Date: Tue, Aug 28, 2018 at 2:33 AM

Subject: S17-0016 appeal to Board of Supervisors

To: "jim.mitrisin@edcgov.us" <jim.mitrisin@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "boswo@edcgov.us" <boswo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, Evan Mattes <evan.mattes@edcgov.us>, Planning Department <planning@edcgov.us>, Charlene Tim <charlene.tim@edcgov.us>

El Dorado County Board of Supervisors

Regarding the project S17-0016 which met the Planning Commission denial on February 8, 2018, and was placed on the agenda for February 22nd with recommendations from the Planning Department Staff to deny all seven projects!.

Please consider the growing support for a better and safer program for the development of cell infrastructure in El Dorado County. The program now in place is flawed and inconsistent with the ideals of the County in that the health and welfare of the residents of El Dorado County are being negatively impacted by a sweetheart deal that the FCC enacted with the Government in 1996. We came out in large numbers to oppose the projects back in February, and the Commissioners actually saw merit in the arguments presented by neighboring residents to every cell tower in this project, and voted to deny the projects on that day.

Problems with inappropriate setbacks from neighboring parcels including inadequate fall zones, placement of 120' to 160' tall fake trees in residential neighborhoods which negatively impacts aesthetics and creates negative impacts to private roads and property values, access to the prospective sites has not been mitigated or provided for by guarantees by the applicant, the applicant did not show that alternative site analysis was researched in any significant way, and co-location possibilities were not addressed in a realistic or adequate way. The project that was denied by the Planning Commission came back as significantly the same project, but with fewer safeguards, and still not even one suggestion for an alternate location. All of the applicants attention has been focused on the same seven sites from the preplanning phases of this project! The idea to combine seven sites in completely different locations and conditions under one project number is not the way to provide for public safety or consistency with requirements of the General Plan, the Wireless Ordinance, or CEQA. These types of projects need to be presented as individual projects and taken on the merits of each site. To "bundle" these projects like a "cell plan"

is entirely ludicrous and wrong! Saving money and time for the applicant cannot be a driving concern for continued proliferation of cell towers in our County!

At the re-presentation of these seven sites, a statement was made by the planning staff that thirty six letters in favor of the projects had been submitted, and only twelve in opposition. This comment was totally misrepresented by staff, and may have influenced the Commissioners on their second chance of hearing these projects. Petitions and letters were submitted to the planning staff that clearly included hundreds of signatures of people joining in the fight against inappropriate locations for cell infrastructure, and the thirty six letters in support of "Broadband Internet Coverage in El Dorado County" were general support for better service, and not at all connected to these sites or this project!

Please listen to the residents of your districts and stop this project until a real effort is made to assess the implications of hundreds of new towers in our community!

Thank you for your consideration!

Bruce M. Person
4221 Clouds Rest Rd
Placerville, Ca. 95667



EDC COB <edc.cob@edcgov.us>

BOS 8-28-18 S17-0016 Site 1

1 message

Laura Allred <llallred2010@gmail.com>
To: edc.cob@edcgov.us

Tue, Aug 28, 2018 at 8:35 AM

TO: El Dorado County Board of Supervisors

From: Ken R. Greenwood

Subject: **Deny ATT Appeal of S17-0016 Site 1 and Revise Wireless Review Process.**

Dear Board of Supervisors,

Please Deny the ATT Appeal of the Planning Commission Denial of S17-0016 Site 1.

- SETBACKS are not adequate to protect our property values.
- Alternative analysis should be done by the County, OR by the Carriers using STANDARDIZED methodology.
- Access must be guaranteed BEFORE they apply.
- Road damage must be mitigated by cash bonds.
- Revision of the Wireless Ordinance to require meaningful Analysis of options as well as processing mandates.
- S17-0016 needs to be denied!

Thank you for your attention in this important matter.

Sincerely,

Laura Allred

August 28, 2018

Dear Board of Supervisors, County of El Dorado, CA

Re: Denial of Site 1-Cool of Conditional Use Permit S17-0016/AT&T CAF4

My name is Bruce Crawford. I live at 860 Gate Lane in Pilot Hill.

I support the denial of this project, thereby upholding the denial by the Planning Commission on July 26, 2018.

The tower at Site 1-Cool is inappropriate, and injurious to the neighborhood. This tower is aesthetically incongruous with the beauty of this area, and will reduce the property value of the surrounding parcels.

Access to the tower has not been properly engineered. This site, as well as many of the other sites, is located on a private road. Is this so that AT&T can easily "bulldoze" this in without properly addressing the transportation issues?

AT&T does not have our best interests in mind.

I would like to see the County of El Dorado lead a coordinated broadband initiative, with all of the citizens of this county being represented, informed and heard.

Not led by AT&T or any other corporate enterprise whose goal is to return a profit to the corporation and their stockholders.

I support a county led telecommunications task force to build the infrastructure to support broadband in a coordinated effort, focused on getting the best broadband coverage, using, wireless, fiber, and all other available technologies without damaging the persons, properties, or land in our county.

Please deny this appeal and uphold the prior denial of this project.

Thank you,



Bruce A. Crawford
860 Gate Lane
Pilot Hill, CA 95664-9250
Email: brucecrawford@protonmail.com
Cell: 408.718.2582

August 28, 2018

Dear Board of Supervisors,

Re: Denial of Site 1-Cool of Conditional Use Permit S17-0016/AT&T CAF4

Hello, my name is Marji Crawford

My address is 860 Gate Lane in Pilot Hill.

I support the denial of this project, of the proposed cell tower located on Triple Seven Rd. in Cool, CA.

I do not believe AT&T adequately investigated alternative sites. I base this on the proposed cell tower next to my home on Gate Lane. Out of all my neighbors on Gate Lane and in the near vicinity (including myself), none were contacted by AT&T regarding the use of their property. So I imagine AT&T did the same level of analysis in the Triple Seven Rd area.

There are better locations away from these rural residential neighborhoods where these towers would always be intrusively visible, ruining the aesthetics of these oh so quiet & beautiful woodlands, the very reasons why most of us moved to this area in the first place. The constant hum of the tower along with AC units & generators will cause us stress. And this will go on for the rest of our lives or until we sell our properties, which by the way will be of lower value, because really, who wants a cell tower in their backyard?

Thirty foot setbacks are inadequate to safeguard residents. Five towers fall every two years. (https://en.wikipedia.org/wiki/List_of_catastrophic_collapses_of_broadcast_masts_and_towers) I personally don't want to have the extra worry of wondering if the tower is going to fall on my property, killing me or my animals or falling across the road blocking my only exit.

Instead of letting AT&T bully their way into neighborhoods where they are clearly not wanted, I wish El Dorado County would take the lead on getting broadband where it's needed without injury to these rural areas. There's got to be a way to do that.

Thank you,



Marji Crawford
860 Gate Ln.
Pilot Hill, CA 95664
marjic@protonmail.com



LATE DISTRIBUTION

DATE 8/28/18 #43

EDC COB <edc.cob@edcgov.us>

Public Comment on S17-0016 Site 1

Ellen Vaughn <ellenvaughn@hotmail.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Tue, Aug 28, 2018 at 10:40 AM

I respectfully request that you uphold the Planning Commission's denial of Conditional Use Permit S17-0016 Site 1 Cool.

- Alternative analysis should be done by the County, or by the Carriers using standardized methodology
- A Revision of the Wireless Ordinance needs to be done to require meaningful Analysis of options

Sincerely,

Ellen Vaughn
4611 Pleasant Valley Ct
Placerville CA 95667

A. Walcham

#43

Box 8128/2011









