

**Fw: Deny CUP23-0011/Malcolm Dixon Verizon Wireless Facility**

Vern Miller <verndmiller@yahoo.com>

Tue 5/21/2024 9:59 AM

To: Planning Department <planning@edcgov.us>

P.C. 6/13/24  
Item # 2  
21 Pages

📎 9 attachments (3 MB)

EXHIBIT 1.pdf; EXHIBIT 2.pdf; EXHIBIT 3.pdf; EXHIBIT 4.pdf; EXHIBIT 5.pdf; EXHIBIT 6.pdf; EXHIBIT 7.pdf; Exhibit 8.pdf; EXHIBIT 9.pdf;

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Aurora - We sent this to each of the commissioners via email on 5/20/2024. Please post it for the CUP23-0011 Malcolm Dixon Verizon Communications Facility Public Hearing for June 13th. Any questions - call me on 916-933-2760. Thank you - Vern Miller

----- Forwarded Message -----

**From:** Vern Miller <verndmiller@yahoo.com>

**To:** brandon.reinhardt@edcgov.us <brandon.reinhardt@edcgov.us>; bob.williams@edcgov.us <bob.williams@edcgov.us>; lexi.boeger@edcgov.us <lexi.boeger@edcgov.us>; andy.nevis@edcgov.us <andy.nevis@edcgov.us>; daniel.harkin@edcgov.us <daniel.harkin@edcgov.us>

**Sent:** Monday, May 20, 2024 at 07:37:29 PM PDT

**Subject:** Deny CUP23-0011/Malcolm Dixon Verizon Wireless Facility

Following is material requesting you deny permanently CUP23-0011 for a Verizon Monopine Cell Tower. This is being sent to you directly as it will be agendaized and discussed at the Planning Commission meeting on June 13, 2024.

Project file # CUP23-0011, 108 foot tall cell tower disguised as a monopine proposed in rural residential area with gross misstatement regarding it's affecting views from the surrounding rural neighborhood.

Project Consultant: Kevin Gallagher of Complete Wireless Consulting, Inc. representing Verizon Wireless

Request: Deny application and enact procedures or laws that do not allow the use of purposeful misstatements to get approvals on applications.

The last exhibit has been sent to the El Dorado County Board of Supervisors to request they do not allow consultants, companies and individuals to purposefully lie on any applications hoping they will get the applications approved. These are now being sent to the Planning Commissioners to let them familiarize themselves with the seriousness of the situation and

the need to discourage such attempts in the future. The first exhibits briefly summarize the situation.

### **Exhibits**

Exhibit 1: Cover of the MND (Mitigated Negative Declaration) for a conditional use permit (file # CUP23-0011) as filed by Kevin Gallagher. Note that Mr Gallagher is a professional consultant so should be very aware of the requirements for cell towers and the affect they can have on surrounding neighbors.

Exhibit 2: Page 16 of the application which shows the form was completed by Mr. Gallagher on 4-11-23. This application was returned due to not being complete but has subsequently been recommended with entries regarding aesthetics remaining.

Exhibit 3: Page 15, item 23 of the application under the heading "AESTHETICS" asks "Will the project obstruct scenic views from existing residential areas ....." Mr. Gallagher answered "No. Photo simulations of project enclosed" Mr. Gallagher chose to use pictures and photo simulations that did not accurately portray the affect on aesthetics that this tower would have on views of the rural landscape and scenic views of any neighbors. We went to the exact spot where the pictures were taken and they do not portray what is actually seen from any local residence and should not be relied upon.

Since writing the above, Mr. Benjamin Koff, County Planner, prepared a "NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION" for this project which has been published on the El Dorado County website. On page 7 of this document, under the headings of Environmental Impacts/ I. Aesthetics, the question under item "a". is "Have a substantial adverse effect on a scenic vista?" Mr Koff checked the box saying "No Impact" Considering the ruination of views from the affected rural residents, this seems like an incorrect conclusion.

Exhibit 4: Mr. Gallagher's existing photo and photo simulation pictures of Malcolm Dixon Road looking southeast at site. Note that no residential views are shown. The scale of the cell tower to the native oak is likely close. Please look at the height difference and there are no similar natural trees in our area,

Exhibit 5: I had originally thought that this existing and photo simulation of Malcolm Dixon Road looking west at the site was at the same distance as the other view (Exhibit 4) but it did not make sense so we went to the exact spot where this picture was taken. The site is actually further away and is around a couple of curves. This grossly distorts what the residences and drivers on Malcolm Dixon Road would see. Again, there are no views shown as would be seen by residences. This picture makes it appear that the monopine cell tower is only slightly taller than the existing trees. This appears to be due to elevation differences and the distance from the site. In actuality, the cell tower is over twice the height of its' neighboring natural trees.

Exhibit 6: This is a current typical view of the rural residential landscape in our area. It depicts a lush meadow with natural trees in the background stretching to the horizon. This is the view enjoyed by Craig and Nanette Barranti from their deck and front room. The other residents of our area enjoy similar views. Mr. Gallagher chose not to show any views from neighbors

Exhibit 7: This is a photo simulation of the aesthetic spoilage that will occur if this huge cell tower is permitted. Again, this is what Mr. and Mrs. Barranti would see constantly but the other neighbors would also have their views much compromised.

Exhibit 8: "ALTERNATE SITES ANALYSIS " This document claims that "Verizon conducted an exhaustive search for alternate sites..." It goes on to recommend one that is not even in our county. This obviously was an error but the significant fact is that a review of the 7 locations, of the 12 Mr. Gallagher claims were considered, do not demonstrate due diligence in researching other sites. In fact, this only shows how little effort was made to find other, more acceptable, locations.

Exhibit 9: This is a copy of the letter I sent to the Board of Supervisors requesting they pass a law to prevent gross misstatements from being used to gain approvals on applications. Since I had already sent this to them I thought it only fair that the Planning Commission should have the same information and request. Please note that a lot of this information is the same as covered above.

Summation: This application is largely based on gross misstatements as to how such a cell tower would affect the aesthetics in our rural area. The Verizon consultant also did not do a thorough job of trying to find a more suitable and acceptable location. One last thing, we have Verizon service and have had no problems so the area that say they are trying to improve is not even in our locale.

**Please deny this application!!**

# EXHIBIT 1

RECEIVED

APR 28 2023

EL DORADO COUNTY  
PLANNING AND BUILDING DEPARTMENT



## COMMUNITY DEVELOPMENT SERVICES PLANNING AND BUILDING DEPARTMENT

2850 Fairlane Court, Placerville, CA 95667  
Phone: (530) 621-5355 [www.edc.com.us/Planning/](http://www.edc.com.us/Planning/)

APPLICATION FOR: **CONDITIONAL/MINOR USE PERMIT** FILE # CUP23-0011  
ASSESSOR'S PARCEL NO.(s) 126-078-010

PROJECT NAME/REQUEST: (Describe proposed use) New freestanding masthead, wireless telecommunications facility and associated ground equipment, including emergency backup generator.

APPLICANT/AGENT Kevin Gallagher, Complete Wireless Consulting Inc., on behalf of Verizon Wireless

Mailing Address 2009 V St, Sacramento, CA 95818  
P.O. Box or Street City State & Zip  
Phone ( 916 ) 264-8995 EMAIL: kgallagher@completewireless.com

PROPERTY OWNER Malcolm Dixon LLC, Vicki Scamlon

Mailing Address \_\_\_\_\_  
P.O. Box or Street City State & Zip  
Phone ( 907 ) 277-4330 EMAIL \_\_\_\_\_

**LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET IF APPLICABLE**

ENGINEER/ARCHITECT Eric Camp, Camp & Associates, Inc.

Mailing Address 19515 N. Creek Pkwy, Ste 200, Beavert, WA 98011  
P.O. Box or Street City State & Zip  
Phone ( 425 ) 740-4392 EMAIL \_\_\_\_\_

LOCATION: The property is located on the S side of Malcolm Dixon Road street or road  
4.000 (feet)miles W of the intersection with Green Valley Rd major street or road  
N / E / W / S

In the Amador Vista area PROPERTY SIZE 5.05 acres  
acreage / square footage

X Kevin Gallagher Digitally signed by Kevin Gallagher  
signature of property owner or authorized agent Date 4/11/23

**FOR OFFICE USE ONLY**

Date 4/17/23 Fee \$ 2,983.00 Receipt # \_\_\_\_\_ Rec'd by ADP Census \_\_\_\_\_  
Zoning RE-5 GPD LDR Supervisor Dist 4 Sec 13 Trn 10 Rng 8

ACTION BY PLANNING COMMISSION  
ZONING ADMINISTRATOR

ACTION BY BOARD OF SUPERVISORS

Hearing Date \_\_\_\_\_

Hearing Date \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_  
findings and/or conditions attached

Approved \_\_\_\_\_ Denied \_\_\_\_\_  
findings and/or conditions attached

Executive Secretary \_\_\_\_\_

APPEAL Approved \_\_\_\_\_ Denied \_\_\_\_\_

Revised 11/2017

**CUP23-0011**

## EXHIBIT 2

Conditional/Minor Use Permit  
Page 16

31. Will the project require the extension of existing public utility lines? No  
If so, identify and give distances: \_\_\_\_\_

### **GENERAL**

32. Does the project involve lands currently protected under the Williamson Act or an Open Space Agreement? No
33. Will the project involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances or radioactive material?  
No
34. Will the proposed project result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, trees, minerals or top soil)? No
35. Could the project create new, or aggravate existing health problems (including, but not limited to, flies, mosquitoes, rodents and other disease vectors)? No
36. Will the project displace any community residents? No

**DISCUSS ANY YES ANSWERS TO THE PREVIOUS QUESTIONS** (attached additional sheets if necessary)

**MITIGATION MEASURES** (attached additional sheets if necessary)

Proposed mitigation measures for any of the above questions where there will be an adverse impact:

Form Completed by: Kevin Gallagher Date: 4/11/23

Revised 11/2017

# EXHIBIT 3

Conditional Minor Use Permit  
Page 15

## AIR QUALITY

20. Would any noticeable amounts of air pollution, such as smoke, dust or odors, be produced by this project? \_\_\_\_\_

## WATER QUALITY

21. Is the proposed water source  public or  private,  treated or  untreated?
22. What is the water use (residential, agricultural, industrial or commercial)? \_\_\_\_\_

## AESTHETICS

23. Will the project obstruct scenic views from existing residential areas, public lands and/or public bodies of water or roads? \_\_\_\_\_

## ARCHAEOLOGY/HISTORY

24. Do you know of any archaeological or historical areas within the boundaries or adjacent to the project? (e.g. Indian burial grounds, gold mines, etc.) \_\_\_\_\_

## SEWAGE

25. What is the proposed method of sewage disposal?  septic system  sanitation district  
Name of district: \_\_\_\_\_
26. Would the project require a change in sewage disposal methods from those currently used in the vicinity? \_\_\_\_\_

## TRANSPORTATION

27. Will the project create any traffic problems or change any existing roads, highways or existing traffic patterns? \_\_\_\_\_
28. Will the project reduce or restrict access to public lands, parks or any public facilities? \_\_\_\_\_

## GROWTH-INDUCING IMPACTS

29. Will the project result in the introduction of activities not currently found within the community? \_\_\_\_\_
30. Would the project serve to encourage development of presently undeveloped areas or increases in development intensity of already developed areas (include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)? \_\_\_\_\_

#23 obstruct scenic views from existing residential areas.

## EXHIBIT #4

### Mr. Gallagher's Photos-Southeast view on Malcolm Dixon Rd



view from Malcolm Dixon Road looking southeast at site

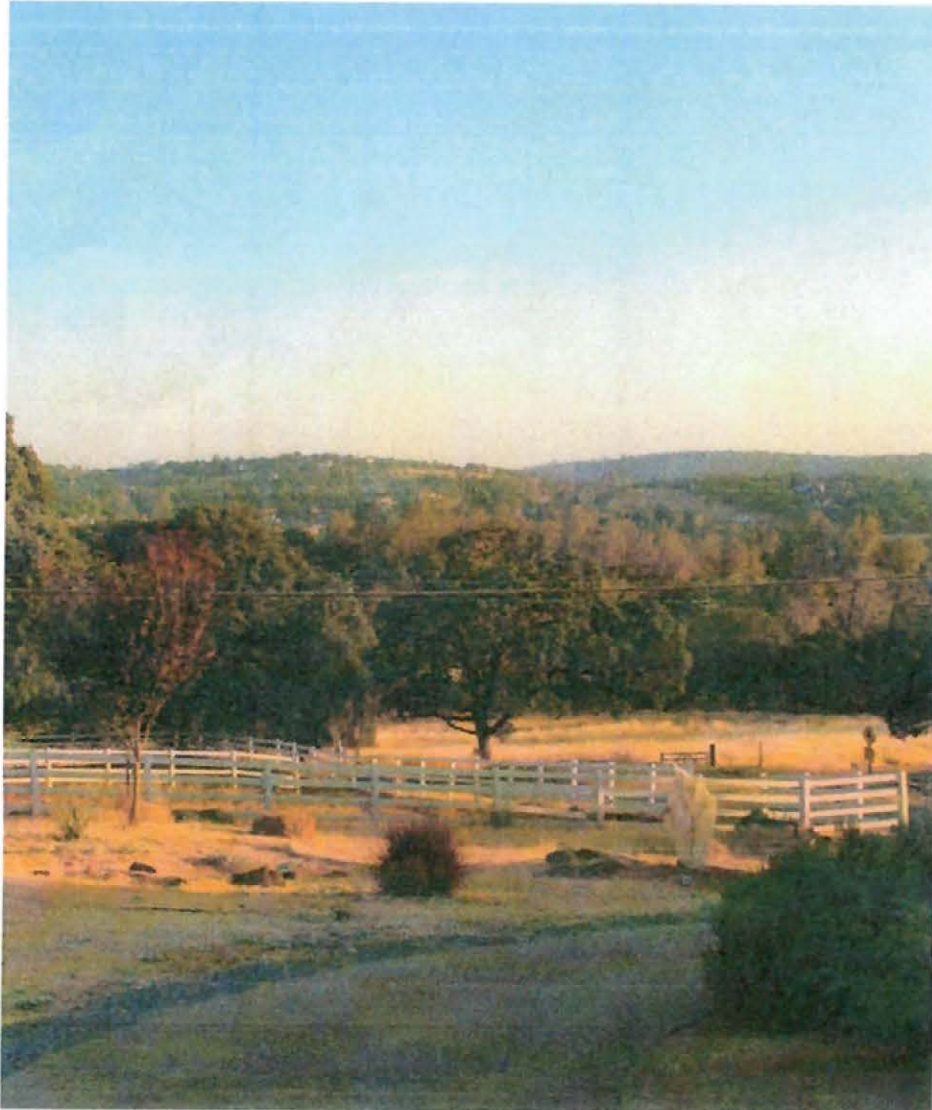


# EXHIBIT #5



view from Malcolm Dixon Road looking west at site

**EXHIBIT 6**



**EXHIBIT 7**



## Exhibit 8

Verizon Wireless Site: Green Valley Rd  
1495 Malcolm Dixon Rd (APN 126-070-010)

### ALTERNATE SITES ANALYSIS

Verizon Wireless strives to minimize visual and noise impacts for each facility and seeks to incorporate ways to preserve the local community character to the greatest extent feasible at all stages of site selection and design process. Part of this involves seeking properties in areas with substandard wireless coverage that provide the ability to meet community needs, zoning standards, and engineering requirements.

In identifying the location of a wireless telecommunication facility to fulfill the above referenced service objectives a variety of factors are evaluated. These factors include: a willing landlord, compliance with local zoning requirements, topography, existing structures, colocation opportunities, available utilities, and road access. Verizon conducted an exhaustive search for alternative sites, after which it determined that the proposed site on Riebli Road is the best available location for a wireless telecommunications facility to meet the desired coverage objective.

A dozen locations were explored as part of the due diligence process for this project, including one colocation.

- ATC Colocation – 1668 Arroyo Vista Way, El Dorado Hills: The facility, located to the north, was too close to an existing Verizon facility and would not be able to fill the coverage gap.
- APN 126-100-025: A property containing an El Dorado Irrigation District water tank. The property was too far from the target area to fill the coverage gap.
- APN 102-190-026, APN 126-160-022, 1265 Malcolm Dixon Rd, 1681 Lovers Lane, and 1540 Green Valley Rd, : Unable to fill the coverage gap due to location and elevation.
- 2025 Arroyo Vista
- 1731 Malcolm Dixon Rd: Partially blocked by terrain. Unscreened from Green Valley Road and neighboring residences. Property owner unresponsive to Verizon proposals.
- 1732 Malcolm Dixon Rd: Partially blocked by terrain. Unscreened from Green Valley road. Property owner unresponsive to Verizon proposals.
- 1460 Malcom Dixon Rd: Several hundred feet West/Southwest of the proposed facility. Directly across the street from the Pamela Street subdivision.

After this thorough investigation, Verizon concluded the proposed location is the least intrusive, viable means of filling the existing coverage gap and improving service in the area.

### ADDITIONAL INFORMATION

#### Safety Benefits of Improved Wireless Service

Verizon Wireless offers its customers multiple services such as voice calls, text messaging, mobile email, picture/video messaging, mobile web, navigation, broadband access, V CAST, and E911 services. Mobile phone use has become an extremely important tool for first responders and serves as a back-up system in the event of a natural disaster. Verizon will install a standby generator at this facility to ensure quality communication for the surrounding community in the event of a natural disaster or catastrophic event. This generator will be fully contained within the equipment shelter and will provide power to the facility if local power systems are offline.

EXHIBIT 9

Vernon and Phyllis Miller  
2040 Casa Robles Rd  
El Dorado Hills, CA 95762

home: 916-933-2760 cell: 916-202-0608 email: verndmiller@yahoo.com

April 24, 2024

To: El Dorado County Board of Supervisors

BOS One – John Hidahl (bosone@edcgov.us)

BOS Two –George Turnboo (bostwo@edcgov.us)

BOS Three – Wendy Thomas (bosthree@edcgov.us)

BOS Four– Lori Parlin (bosfour@edcgov.us)

BOS Five–Brooke Laine (bosfive@edcgov.us)

cc. Karen Garner, Director of Planning and Building, El Dorado County  
(K.L.Garner@edcgov.us)

cc. Benjamin Koff, Associate Planner, County of El Dorado, Planning  
and Building Department (Benjamin.Koff@edcgov.us)

**Problem:** At present there appears to be no law, ordinance, or policy against a consultant, company or individual knowingly and purposefully lying on an application to gain approval by the Planning Commission or Board of Supervisors. When this is detected it appears that nothing is done to the perpetrator. To the common citizen it appears that the original and any subsequent applications are denied and returned to the originator but are again accepted with revisions and even accepted with the same lies. There does not appear to be any way to make management or the Board of Supervisors aware of the lies and there appears to be no consequences.

**Request: Pass a law which prohibits falsehoods on applications and imposes a severe penalty on an individual or group that tries to use such a falsehood for gain.**

Background Information: The current problem involves case CUP23-0011 which seeks approval from the Planning Department and Planning Commission to allow Verizon Wireless to erect and manage a wireless transmission site which includes a 106 foot tall tower with about 11 antennas, a 40'x40' area for equipment and buildings, an emergency generator that would be tested periodically and all the technicians that would be required to operate and maintain this equipment. This would all be surrounded by a chain link security fence. This tower is proposed to be less than 40 feet from Malcolm Dixon Rd. with the address of 1495 in a residential rural community. The tower will be designed to look like a pine or eucalyptus tree but everyone now knows these are not trees but are cell towers and are very obvious and objectionable to the eye due to their being too tall and the wrong type simulated trees for the area. Simply stated, they look completely out-of-place and are not compatible with the neighborhood. These fake trees/cell antennas would be 2 1/2 times as high as the natural oak trees in the area and would not fit the environment.

Verizon's consultant says this tower is needed to provide adequate coverage to the Green Valley Road corridor. We currently have Verizon's cell service and have had it for decades. We do not have any problem with their cell service anywhere on our property and we are one of the closest neighbors to this proposed tower. If other areas are not getting adequate cell service, perhaps the tower should be located closer to them. The fake tree is not wanted by our neighbors, or ourselves, and does not appear to be needed in our immediate vicinity.

The consultant has made several obvious lies on the application hoping to get approval for this site. Even as these lies were exposed to the Planning Department, nothing was apparently done to confront this consultant. Instead,

the application was rejected for other reasons and sent back to the consultant for modifications without regard to the lies. These errors were then corrected, but not the lies, and then returned to El Dorado County to again try to gain approval. They still appear on the current application. Thus, this sends a message that lying on an application has no downside.

The reason this situation is brought before the entire Board of Supervisors is that lies could similarly be used in any of the districts in attempts to influence votes on particular projects and plans. The Board needs to make false statements on applications unlawful with penalties. A no-tolerance policy should be adopted throughout the county to escalate attempts at misrepresentation and should be reported to the Board

The Obvious Lies in This Application. The most blatant lie in this case is the assertion, with photo-simulations, that shows there is no visual impact on the neighborhood. Of course this is not true. This will have a huge impact on the aesthetics for our community. This application was submitted by a professional consultant who recommends locations for cell towers as his way to earn a living, so he knew how to "manipulate " photo views to avoid a adverse outcome by making it appear that the aesthetic views from the neighborhood are not affected. The gross misrepresentation in this case, i.e. **THE BIG LIE**, is that the consultant supplied two photos. They show very narrow views down Malcolm Dixon Road from both directions. He also inferred that this 106 foot tall tower would not be in the current homeowners views from their normal living areas on their properties. This is false and misleading. (Please see attachment 1) He shows none of the neighbors' actual views of how this enormous tower would dominate their viewscape

versus the current rural countryside that is espoused by the County. The neighbors in our community have lived here for years, and some for decades. They have a real commitment to preserving our rural community and the commitment to El Dorado County's declaration of their support for that lifestyle.

Other Misrepresentations – The consultant said he considered 12 locations but only identified 7. It appears that he had already picked the 1495 Malcolm Dixon location and the references to any others were just to claim he considered other locations. It is very doubtful that he seriously considered other good possible locations because of the reasons he gave for rejecting the others. It even appears that he rejected some locations for being too close to Green Valley Road. It also does not appear that he considered any sites south of Green Valley Road even though it appears there are good candidates in that area.

Another area, where there appears to be a photographic misrepresentation, is shown in attachment 2. When looking down Malcolm Dixon Rd. from the west, it shows the size of the tower to dwarf the natural oaks in the area. However, when the view is in the opposite direction, it shows the tower just slightly taller than the native trees. This is the view that many of the neighbors would see – but it is grossly understated.

At present, there appears to be no penalty for purposefully lying to the County to gain an approval on an application such as this. The citizens of this area do not feel they are being adequately considered.

In this instance the couple, applying for the permit, are some of the last to



move into our area. Also, they have set their main deck so they will not normally see this 106 foot tall tower.

Remedy Suggested – In cases such as this, where obvious lies are told to gain approvals, the project needs to be denied and any similar project should never be allowed on that property. Also, the contractor, consultant, company, and/or individual professing such lies should be forever banned from applying for any El Dorado County permits or approvals.

Respectfully submitted,  
Vern Miller

## Attachment 1 – THE BIG LIE

This is the pastoral view currently seen by many in our area from their properties.



The consultant claims there would not be a visual impact from the 106 foot tower and never identifies any neighbors that would be affected.

This is what the view would actually be with the 106 foot tower--that everyone knows is not a tree!



## Attachment 2 - The Lie Continues



This simulation, provided by the Verizon consultant, shows looking east down Malcolm Dixon Rd. toward the tower. Please note the height of the fake tree compared to the native oak. This is probably a fairly good representation of the sizes of the real versus fake trees.



This simulation, also provided by the Verizon consultant, looks at the tree and tower looking west from about the same distance. Please notice the height difference between the native tree and the tower. This shows the tower as being barely taller than the oak tree, and yet we know it is 2 ½ times as tall as the native oak. This is not an optical illusion – it is subterfuge (i.e. lying)!

**PROJECT: CUP23-0011/Malcom Dixon Verizon Wireless Facility**

R D <r.delaghder@yahoo.com>

Tue 5/21/2024 3:42 PM

To: Planning Department <planning@edcgov.us>

P.C. 6/13/24  
Item # 2

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**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

Report Suspicious

Good Day,

How does a concerned close proximity resident dispute the proposed subject line project: **CUP23-0011/Malcom Dixon Verizon Wireless Facility?**

I also believe the County may have the spelling of "Malcom" in the received notice incorrect as the online information and local traffic street signs all spell Malcolm; however, one street sign is spelled in such a manner at the corner of Green Valley Rd. and the Malcom Dixon Cutoff leading into The Overlook neighborhood and new development north of Malcolm Dixon Road.

I plan to attend the 13 June planning Commission public Hearing in this matter.  
Please advise, and thank you very much.

Sincerely,

Mr. Raymond DeLaughder

9611 Pamela St.

El Dorado Hills

95762

805.766.4770