

3/23/2016

Edcgov.us Mail - Permit S15-0004 Verizon Wireless Arrowbee Lake

PC 3/24/16
#8
10 pages



Charlene Tim <charlene.tim@edcgov.us>

Permit S15-0004 Verizon Wireless Arrowbee Lake

Linda Stevens <ljstevens0807@gmail.com>

Tue, Mar 22, 2016 at 11:44 PM

To: charlene.tim@edcgov.us

Cc: Iona Merideth <imreteam@gmail.com>, Janet Barbieri <janet.m.barbieri@att.net>, dcole@cotalawfirm.com


Good evening,

Please accept the attached documents to be entered into the public record for the above referenced application

Thank you,

Linda Stevens

2 attachments

 **EMF-Real-Estate-Survey-Results-PDF.pdf**
185K

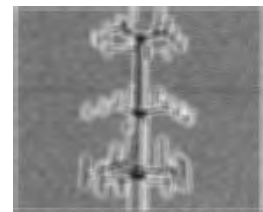
 **Who is behind the Real Estate Study.docx**
36K

EMF Real Estate Survey Results: “Neighborhood Cell Towers & Antennas—Do They Impact a Property’s Desirability?”



The National Institute for Science, Law and Public Policy’s survey “Neighborhood Cell Towers & Antennas—Do They Impact a Property’s Desirability?” initiated June 2, 2014, has now been completed by 1,000 respondents as of June 28, 2014. The survey, which circulated online through email and social networking sites, in both the U.S. and abroad, sought to determine if nearby cell towers and antennas, or wireless antennas placed on top of or on the side of a building, would impact a home buyer’s or renter’s interest in a real estate property.

The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna.



- 94% said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it.
- 94% said a cell tower or group of antennas on top of, or attached to, an apartment building would negatively impact interest in the apartment building or the price they would be willing to pay for it.
- 95% said they would opt to buy or rent a property that had zero antennas on the building over a comparable property that had several antennas on the building.
- 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas.
- 88% said that under no circumstances would they ever purchase or rent a property with a cell tower or group of antennas on top of, or attached to, the apartment building.
- 89% said they were generally concerned about the increasing number of cell towers and antennas in their residential neighborhood.

The National Institute for Science, Law and Public Policy (NISLAPP) was curious if respondents had previous experience with physical or cognitive effects of wireless radiation, or if their concern about neighborhood antennas was unrelated to personal experience with the radiation. **Of the 1,000 respondents, 57% had previously experienced cognitive effects from radiation emitted by a cell phone, wireless router, portable phone, utility smart meter, or neighborhood antenna or cell tower, and 43% had not experienced cognitive effects. 63% of respondents had previously experienced physical effects from these devices or neighborhood towers and antennas and 37% had not experienced physical effects.**

The majority of respondents provided contact information indicating they would like to receive the results of this survey or news related to the possible connection between neighborhood cell towers

and antennas and real estate decisions.

Comments from real estate brokers who completed the NISLAPP survey:

“I am a real estate broker in NYC. I sold a townhouse that had a cell tower attached. Many potential buyers chose to avoid purchasing the property because of it. There was a long lease.”

“I own several properties in Santa Fe, NM and believe me, I have taken care not to buy near cell towers. Most of these are rental properties and I think I would have a harder time renting those units... were a cell tower or antenna nearby. Though I have not noticed any negative health effects myself, I know many people are affected. And in addition, these antennas and towers are often extremely ugly—despite the attempt in our town of hiding them as chimneys or fake trees.”

“We are home owners and real estate investors in Marin County and have been for the last 25 years. We own homes and apartment building here in Marin. We would not think of investing in real estate that would harm our tenants. All our properties are free of smart meters. Thank you for all of your work.”

“I’m a realtor. I’ve never had a single complaint about cell phone antennae. Electric poles, on the other hand, are a huge problem for buyers.”

Concern was expressed in the comments section by respondents about potential property valuation declines near antennas and cell towers. While the NISLAPP survey did not evaluate property price declines, a study on this subject by Sandy Bond, PhD of the New Zealand Property Institute, and Past President of the Pacific Rim Real Estate Society (PRRES), [The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods](http://snurl.com/2922m58) (<http://snurl.com/2922m58>), was published in *The Appraisal Journal* of the Appraisal Institute in 2006. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters. The study indicated that **homebuyers would pay from 10%–19% less to over 20% less for a property if it were in close proximity to a cell phone base station.** The ‘opinion’ survey results were then confirmed by a market sales analysis. **The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood.”**

The Appraisal Journal study added,

“Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station.”

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says,

“The recent NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally. A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts homebuyers are currently placing on properties near cell towers and antennas. Americans deserve to know.”

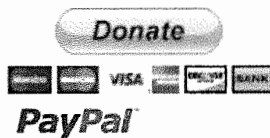
Betsy Lehrfeld, Esq., an attorney and Executive Director of NISLAPP, says,

“The proliferation of this irradiating infrastructure throughout our country would never have occurred in the first place had Section 704 of the Telecommunications Act of 1996 not prohibited state and local governments from regulating the placement of wireless facilities on health or environmental grounds. The federal preemption leaves us in a situation today where Americans are clearly concerned about risks from antennas and towers, some face cognitive and physical health consequences, yet they and their families increasingly have no choice but to endure these exposures, while watching their real property valuations decline.”

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NISLAPP contact:
James S. Turner, Esq.
(202) 462-8800 / jim@swankin-turner.com
Emily Roberson
er79000@yahoo.com

If you can support NISLAPP's work, please donate here:
<http://snurl.com/2922mso>



See Commentary by ElectromagneticHealth.org on NISLAPP EMF Real Estate Survey Results and Recommendations for Real Estate Agents and Homebuyers here:
<http://electromagnetichealth.org/electromagnetic-health-blog/survey-commentary/>

Who is behind the Real Estate Study submitted by Mark Lobaugh?

The Study Partners

The Santa Clara County Association of REALTORS® and the Silicon Valley Association of REALTORS® (SILVAR) partnered with WCI to produce the study.

Who is WCI?

WCI-Wireless Communication Initiative (<http://www.jointventure.org/wireless-communications-initiative>)

Joint Venture's Wireless Communications Initiative is a coalition between the wireless industry, local governments, businesses, and residents working together to improve the wireless network infrastructure in Silicon Valley. The coalition builds on existing relationships with technology companies and local government leaders to drive a coordinated public-private sector effort and mounts a highly strategic campaign to transform Silicon Valley's wireless network infrastructure into a world-class showcase of speed, efficiency, and cost-effectiveness.

Who's involved?

Joint Venture Board Champion: Dave Hodson, Partner, Director of Development - Cloud Engineering, Skype (a division of Microsoft)

Co-Chair: Dr. Edwin Tasch, Chief of Neurology - Santa Clara Medical Center, Kaiser Permanente

Co-Chair: Vijay Sammeta, Chief Information Officer, City of San José

Our project is guided by a Steering Committee consisting of:

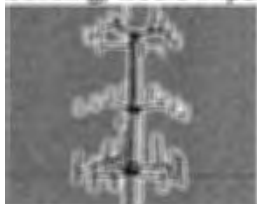
- Leon Beauchman, AT&T Wireless
- Jon Dohm, Zoning Manager - West Area, Crown Castle (a developer of wireless facilities)
- Natasha Ernst, Asst. General Counsel - Access, Lighttower Fiber Networks (Lighttower is a leading service provider of dark fiber and advanced network services including Ethernet, Wavelength, Dark Fiber, IP, SONET, and more)
- Lennies Gutierrez, Director of Government Affairs, Comcast
- William Hammett, P.E., President & CEO, Hammett & Edison (engineering consultants for wireless industry)
- Mike Hill, Municipal Relations, ExteNet Systems (ExteNet designs, owns and operates multi-carrier, often referred to as "neutral-host", and multi-technology Distributed Networks to ensure multiple Wireless Service Providers (WSPs) can provide their 3G and 4G LTE services in the most effective and efficient manner. ExteNet creates a scalable network design utilizing its

high-bandwidth fiber network to ensure the network densification needs of the WSPs are met and continually scale as user demands dictate.)

- Sharon James, Manager Government Relations, Crown Castle (a developer of wireless facilities)
- Robert Jystad, Managing Partner, Channel Law Group LLP (Our attorneys are nationally recognized experts in communications and media law. We have extensive experience assisting wireless carriers, tower companies, cable operators and telecommunications carriers with a variety of network deployment issues and offer land use, real estate, franchising, right-of-way, regulatory compliance and contract-related expertise, providing transactional, regulatory and litigation support in many of these areas.)
- Angela Kung, External Affairs Manager, AT&T Wireless
- Bill McShane, National Director - Connected City Experience, Philips (Facilitate roll out of mobile networks in urban areas combined with lighting upgrades and street furniture)
- Eric Reed, Vice President – Entertainment & Tech Policy, Verizon Wireless
- Randall Schwabacher, Manager - Small Cell Deployment NorCal, AT&T Wireless
- Jon Walton, Chief Information Officer, County of Santa Clara
- Glen Williams, Asset Development Manager, County of Santa Clara
- George Wong, Director of Business Development, Qualcomm (Qualcomm Incorporated is a world leader in 3G and next-generation mobile technologies.)

Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?

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PC 3/24/16
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2 pages



Charlene Tim <charlene.tim@edcgov.us>

Fwd: Permit S15-0004 Verizon Wireless Arrowbee Lake

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Wed, Mar 23, 2016 at 10:20 AM

Please see public comment email.

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

From: **Iona Merideth** <imreteam@gmail.com>
Date: Wed, Mar 23, 2016 at 10:10 AM
Subject: Permit S15-0004 Verizon Wireless Arrowbee Lake
To: planning@edcgov.us

Please submit the attached document to the public record.

—
Iona Merideth

916-834-6873 Cell


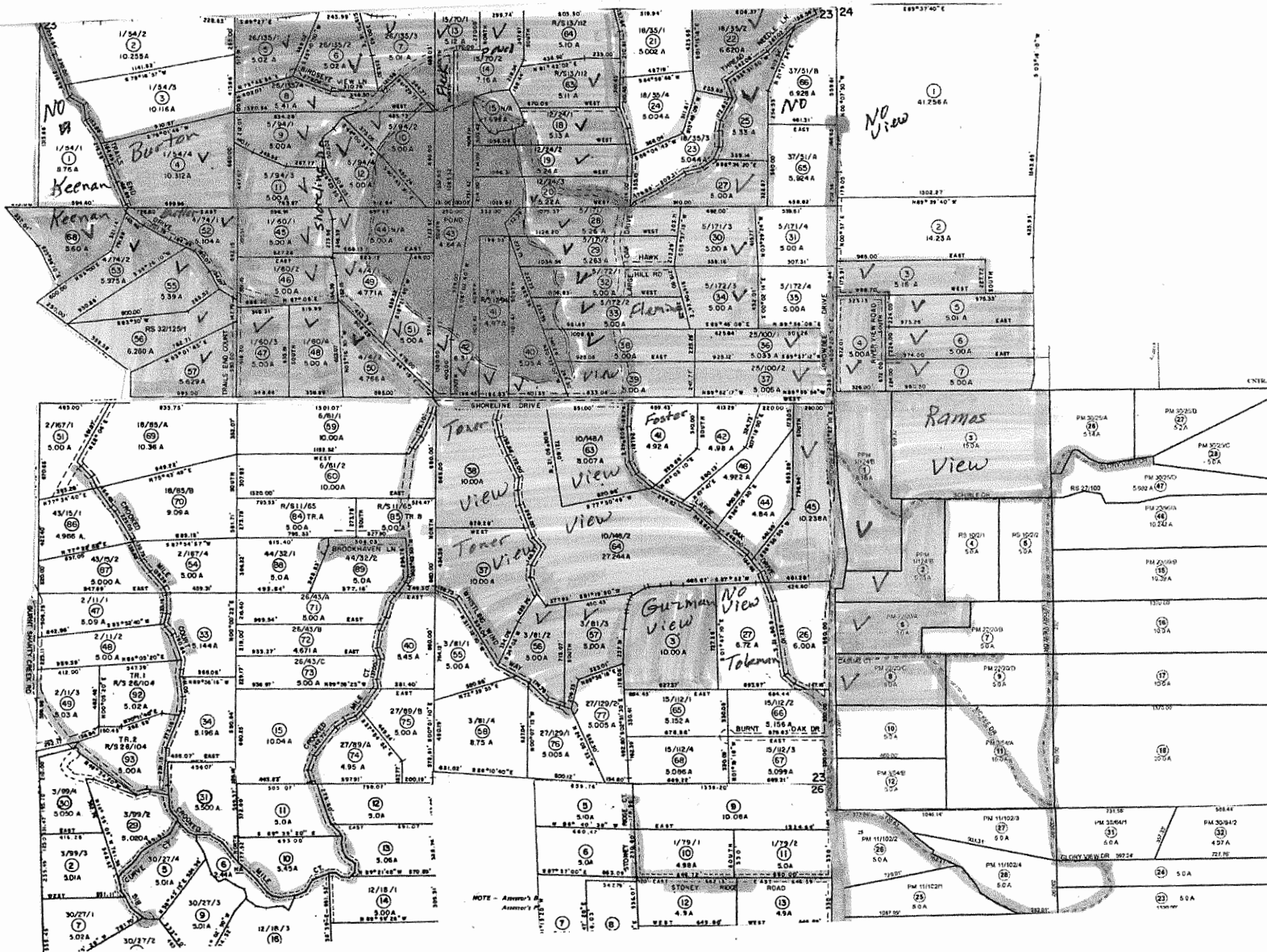
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EXHIBIT E

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3/23/2016

Edcgov.us Mail - Fwd: Permit S15-0004 Verizon Wireless Arrowbee Lake

PC 3/24/16
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18 pages



Charlene Tim <charlene.tim@edcgov.us>

Fwd: Permit S15-0004 Verizon Wireless Arrowbee Lake

Planning Unknown <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Wed, Mar 23, 2016 at 12:29 PM

Please see public comment email.

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

From: Iona Merideth <imreteam@gmail.com>
Date: Wed, Mar 23, 2016 at 12:15 PM
Subject: Permit S15-0004 Verizon Wireless Arrowbee Lake
To: planning@edcgov.us
Cc: Derek Cole <dcole@cotalawfirm.com>

Please submit to the public record

Iona Merideth, Broker

916-834-6873 Cell

 Cell Tower - Realestate letter and exhibits.pdf
3939K

Iona Merideth, RE Broker...licensed for 19 years. I sell on average about 50 properties per year...in the last 5 years I have sold of \$100 Million dollars in Residential Real Estate. I am only pointing this out so you understand that I have vast experience in the Residential RE market.

Having sold MANY properties that suffer from EXTERNAL OBSOLECENSE such as proximity to cell towers, electrical transmission lines, backing to high traffic streets, etc., I have experienced the extreme difficulty in selling those homes and the impact of decreased value on the property owner. My brokerage keeps impeccable records of buyer feedback....calling all agents who show my listings and the consistent feedback from buyers as reported by their agents is, "beautiful house...too bad it has a view of a "cell tower", large Power pole, busy street, etc." behind it.

In my experience, these properties consistently sell for 10 to 25% less in value than other duplicate or similar properties. There is very clear evidence of this in a few properties that back to cell towers in Folsom in Empire Ranch Development on Branding Iron CT in which properties in 2010 and 2012 sold from 10 to 24% less than extremely similar properties.

SUPPORTING DOCUMENTATION EXHIBIT "A" – Letter from Harvey Hartman, Appraisal Professional who testifies that properties affected by an External Obsolescence view will sustain a value loss ranging from 5% to 25%.

EXTERNAL OBSOLECENT PROPERTIES are rejected by buyers for two specific reasons. 1) Visual effect of the eye sore and 2) PERCEIVED HEALTH EFFECT. While the 1996 FCC law limits local governments from taking potential health risks into consideration, buyers have NO SUCH LIMITATIONS AND MOST OFTEN PASS ON THESE PROPERTIES OR EXPECT TO PAY LESS.

This is supported by the National Institute for Science, Law and Public Policy's survey "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" initiated June 2, 2014, and completed by 1,000 respondents as of June 28, 2014.- SEE EXHIBIT "B"

The survey concludes that 1) The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood would impact their interest in a property and the price they would be willing to pay for it. And 2) 79% of respondents said **under no circumstances** would they ever purchase a property within a few blocks of a cell tower or antenna.

SUPPORTING DOCUMENTATION EXHIBIT "C" ENTER INTO THE PUBLIC RECORD This letter from Brenda Burton is a prime example of buyer sentiment towards EXTERNAL OBSOLECENSE. They recently purchased a home on Trails End Drive. They purchased for the rural atmosphere and learned about the cell tower after the escrow closed. Brenda Burton states, "We would not have considered this property, if we had known the tower was going in."

As a RE broker, having professionally experienced buyer rejection of my listings due to EXTERNAL OBSOLECENSE, I have a huge concern for my property value, since my custom home is 4 parcels south of the proposed tower and I will have a line of sight view from my front yard entertainment area and circle drive way and will be able to see the tower from every point in my backyard. I built this beautiful home with a gorgeous lake & country side view with the intent of enjoyment during my current life and into retirement.

In addition, As a broker I am very aware that there is a disclosure requirement in the California Association of Realtors Residential Purchase agreement that requires ALL home sellers to disclose the presence of neighborhood noise, nuisance or other problems from such sources as Air conditioning equipment, generators and cell phone towers. EXHIBIT "D", Page 3, paragraph K. Even if I were to sell my home before the tower was erected, I would have to disclose the potential tower to all buyers.

By allowing this cell tower to be erected, you will destroy the very reason I purchased my property...for the GORGEOUS VIEWS AND THE PEACEFUL & QUIET ENJOYMENT OF A COUNTRY LIFESTYLE. If I had any idea that a cell tower installation would be considered SO CLOSE TO MY HOME, I would have never purchased my property and never built my home in its current location. Quite frankly it's disgusting and angering to me that Verizon might be allowed to erect a HUGE monopine cell tower that will ruin my beautiful views and impact the peaceful and quiet enjoyment of my home AND DESTROY MY PROPERTY VALUE THAT I HAVE WORKED SO HARD TO INCREASE OVER THE YEARS. I estimate that I would personally lose anywhere from \$70K to \$150K making it FINANCIALLY impossible for me to replace what I have at current building and land costs.

In addition, Over 65 home owners will have a direct view of this tower from their house and property. Considering the 2015 average sales price of \$450,000 in Arrowbee Ranch Estates, the value loss in our neighborhood would be somewhere between \$2.7 Million and \$6.75 Million. This volume of property value loss would have A TRICKLE DOWN AND EPICALLY INJURIOUS IMPACT ON THE WHOLE NEIGHBORHOOD; in addition to the injurious impact INDIVIDUAL homeowners would SUFFER. SEE EXHIBIT E FOR CELL TOWER VIEW SHED MAP.

Other city and county commissions are rejecting towers because of the external obsolescence and visual blight...see EXHIBIT F AND EXHIBIT G.

AS A VERIZON.CUSTOMER, I CAN CONFIRM THAT WE HAVE 4 G SERVICE IN OUR NEIGHBORHOOD. EVEN IN THE LOWEST SPOTS ON CROOKED MILE CT, THERE IS NO GAP IN COVERAGE IN OUR NEIGHBORHOOD. IT IS NOT THE RESPONSIBILITY OF ARROWBEE LAKE HOMEOWNERS TO PROVIDE ROAD ACCESS AND ELECTRICAL ACCESS TO REDUCE THE FISCAL IMPACT OF INSTALLATION FOR VERIZON AND MARK LOBAUGH. THERE ARE PLENTY OF OTHER LOCATIONS ON LARGER PARCELS THAT WOULD HAVE A MUCH LESS INJURIOUS IMPACT ON HOME OWNERS. DO NOT ALLOW VERIZON TO TELL YOU THERE ARE NO OTHER LOCATIONS OR THAT THIS IS THE ONLY LOCATION THAT WILL WORK. THAT IS JUST NOT TRUE.

This cell tower does NOT BELONG IN OUR BEAUTIFUL NEIGHBORHOOD. Therefore, I respectfully request you deny the ARROWBEE Cell Tower Application Today.

Respectfully submitted,

Iona Merideth, homeowner

EXHIBIT A

APPRAISAL PROFESSIONALS

3129 Perlett Drive, Cameron Park, CA 95682 * Ph/Fax: (530) 676-0391 * orders@appraisal-professionals.net

February 16, 2016

PLANNING SERVICES
Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Attn: Char Tim, Clerk
Planning Commission

Subject:
Special Use Permit S15-0004/Arrowbee Lake Verizon Wireless Cellular Tower Project

Greetings:

The purpose of this letter is to direct the attention of the commissioners to the impact of the proposed project on surrounding property owners where the hill proposed as the site for the tower is part of the view of the homeowner.

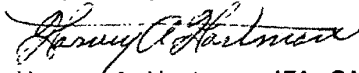
As pictured in the project request/description, the tower does stand out and does not blend into the surrounding canopy due to the height and evergreen design in a pastoral area of oak trees of less than 75 feet in height. As a result, the proposed tower results in "External Obsolescence" to those properties cited above.

The proposed tower meets the definition of external obsolescence as: "An element of depreciation; a defect, usually incurable, caused by negative influences outside a site and generally incurable on the part of the property owner" (The Dictionary of Real Estate Appraisal, Appraisal Institute). Note that as such, the financial impact on the surrounding sites is NOT alleviated or mitigated over time.

It is my experience that where an objectionable structure such as a high tension power line tower, large water tank, advertisement billboard or high traffic artery imposes on the surrounding view, the loss in value to the property so affected may range from 5% to 25% of the total value of the property.

Therefore, on behalf of the property owners so affected, it is recommended without reservation that the above cited Special Use Permit be denied.

Respectfully Submitted,



Harvey A. Hartman; IFA, CA-R, CRP Pin
CA State Certified Appraiser Since 1991
www.Appraisal-Professionals.net
Tel: 916-281-8251/530-676-0391

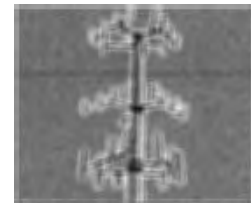
EXHIBIT B

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"We are home owners and real estate investors in Marin County and have been for the last 25 years. We own homes and apartment building here in Marin. We would not think of investing in real estate that would harm our tenants. All our properties are free of smart meters. Thank you for all of your work."

"I'm a realtor. I've never had a single complaint about cell phone antennae. Electric poles, on the other hand, are a huge problem for buyers."

Concern was expressed in the comments section by respondents about potential property valuation declines near antennas and cell towers. While the NISLAPP survey did not evaluate property price declines, a study on this subject by Sandy Bond, PhD of the New Zealand Property Institute, and Past President of the Pacific Rim Real Estate Society (PRRES), [The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods](http://snurl.com/2922m58) (<http://snurl.com/2922m58>), was published in *The Appraisal Journal* of the Appraisal Institute in 2006. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters. The study indicated that **homebuyers would pay from 10%–19% less to over 20% less for a property if it were in close proximity to a cell phone base station.** The 'opinion' survey results were then confirmed by a market sales analysis. **The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood.**

The Appraisal Journal study added,

"Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station."

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says,

"The recent NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally. A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts homebuyers are currently placing on properties near cell towers and antennas. Americans deserve to know."

Betsy Lehrfeld, Esq., an attorney and Executive Director of NISLAPP, says,

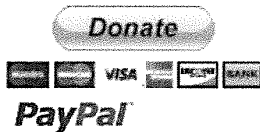
“The proliferation of this irradiating infrastructure throughout our country would never have occurred in the first place had Section 704 of the Telecommunications Act of 1996 not prohibited state and local governments from regulating the placement of wireless facilities on health or environmental grounds. The federal preemption leaves us in a situation today where Americans are clearly concerned about risks from antennas and towers, some face cognitive and physical health consequences, yet they and their families increasingly have no choice but to endure these exposures, while watching their real property valuations decline.”

The National Institute for Science, Law, and Public Policy (NISLAPP) in Washington, D.C. was founded in 1978 to bridge the gap between scientific uncertainties and the need for laws protecting public health and safety. Its overriding objective is to bring practitioners of science and law together to develop intelligent policy that best serves all interested parties in a given controversy. Its focus is on the points at which these two disciplines converge.

NISLAPP contact:

James S. Turner, Esq.
(202) 462-8800 / jim@swankin-turner.com
Emily Roberson
er79000@yahoo.com

If you can support NISLAPP's work, please donate here:
<http://snurl.com/2922mso>



See Commentary by ElectromagneticHealth.org on NISLAPP EMF Real Estate Survey Results and Recommendations for Real Estate Agents and Homebuyers here:
<http://electromagnetichealth.org/electromagnetic-health-blog/survey-commentary/>

EXHIBIT C

County of El Dorado Community Development Agency
Development Services Division-Planning Services
2850 Fairlane Court
Placerville, CA 95667

February 21, 2016

Re: Special Use Permit S15-0004/Verizon Lake Arrowbee Monopine

Dear Commissioners,

We just purchased our home and moved in September 2015. We have 10 acres on Trails End Drive. We bought this property to be able to have our horses on rural property and enjoy a rural lifestyle. We learned about the cell tower just recently and we are very opposed to it. We would not have considered this property if we had known the tower was going in. Someone should have disclosed that information to us since this project was already submitted to the County. We do not know if the sellers knew, but they should have been told by the County.

The view out the back of our house and property looks right up at the cell tower site. Dan is a photographer and has taken a photo and inserted a monopine to see what it looks like. It will ruin our view. We are enclosing this photo.

We also know that this will be visible from Lake Arrowbee and all around the neighborhood where we walk. We are worried that this will decrease our property value.

We respectfully ask you to deny this Special Use Permit.

Sincerely,



Brenda Burton & Dan
1041 Trails End Drive

I have attached a picture that was taken from my backyard and a picture of a monopine cell tower overlaid on it in order to give you an idea of what I would have to look at everyday.



Arrowbee Verizon Tower.png
6026K



EXHIBIT D

SELLER PROPERTY QUESTIONNAIRE (C.A.R. Form SPQ, Revised 12/15)

This form is not a substitute for the Real Estate Transfer Disclosure Statement (TDS). It is used by the Seller to provide additional information when a TDS is completed or when no TDS is required.

I. Seller makes the following disclosures with regard to the real property or manufactured home described as 1105 Shoreline Drive,, Assessor's Parcel No. _____, situated in Placerville, County of El Dorado California ("Property").

II. The following are representations made by the Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker has not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desires legal advice, they should consult an attorney.

III. Note to Seller: PURPOSE: To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Answer based on actual knowledge and recollection at this time.
- Something that you do not consider material or significant may be perceived differently by a Buyer.
- Think about what you would want to know if you were buying the Property today.
- Read the questions carefully and take your time.
- If you do not understand how to answer a question, or what to disclose or how to make a disclosure in response to a question, whether on this form or a TDS, you should consult a real estate attorney in California of your choosing. A broker cannot answer the questions for you or advise you on the legal sufficiency of any answers or disclosures you provide.

IV. Note to Buyer: PURPOSE: To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Something that may be material or significant to you may not be perceived the same way by the Seller.
- If something is important to you, be sure to put your concerns and questions in writing (C.A.R. form BMI).
- Sellers can only disclose what they actually know. Seller may not know about all material or significant items.
- Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense.

V. SELLER AWARENESS: For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." Provide explanations to answers in the space provided or attach additional comments and check section VI.

A. STATUTORILY OR CONTRACTUALLY REQUIRED OR RELATED: ARE YOU (SELLER) AWARE OF...

1. Within the last 3 years, the death of an occupant of the Property upon the Property Yes No
 2. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.) Yes No
 3. The release of an illegal controlled substance on or beneath the Property Yes No
 4. Whether the Property is located in or adjacent to an "industrial use" zone Yes No
(In general, a zone or district allowing manufacturing, commercial or airport uses.)
 5. Whether the Property is affected by a nuisance created by an "industrial use" zone. Yes No
 6. Whether the Property is located within 1 mile of a former federal or state ordnance location. Yes No
(In general, an area once used for military training purposes that may contain potentially explosive munitions.)
 7. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision. Yes No
 8. Insurance claims affecting the Property within the past 5 years Yes No
 9. Matters affecting title of the Property Yes No
 10. Material facts or defects affecting the Property not otherwise disclosed to Buyer Yes No
- Explanation, or (if checked) see attached; _____
- _____
- _____
- _____

B. REPAIRS AND ALTERATIONS: ARE YOU (SELLER) AWARE OF...

1. Any alterations, modifications, replacements, improvements, remodeling or material repairs on the Property (including those resulting from Home Warranty claims) Yes No
2. Any alterations, modifications, replacements, improvements, remodeling, or material repairs to the Property done for the purpose of energy or water efficiency improvement or renewable energy? Yes No

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)

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SPQ REVISED 12/15 (PAGE 1 OF 4)

SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 1 OF 4)



Merideth Realty Inc., 850 Iron Point Road #130 Folsom, CA 95630
Iona Merideth

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Phone: 916.834.6873

Fax: 888-591-7110

1105 Shoreline Dr,

Property Address: 1105 Shoreline Drive, , Placerville,

Date: _____

- 3. Ongoing or recurring maintenance on the Property (for example, drain or sewer clean-out, tree or pest control service) Yes No
- 4. Any part of the Property being painted within the past 12 months. Yes No
- 5. If this is a pre-1978 Property, were any renovations (i.e., sanding, cutting, demolition) of lead-based paint surfaces completed in compliance with the Environmental Protection Agency Lead-Based Paint Renovation Rule. Yes No

Explanation: _____

C. STRUCTURAL, SYSTEMS AND APPLIANCES: ARE YOU (SELLER) AWARE OF...

- 1. Defects in any of the following, (including past defects that have been repaired): heating, air conditioning, electrical, plumbing (including the presence of polybutylene pipes), water, sewer, waste disposal or septic system, sump pumps, well, roof, gutters, chimney, fireplace, foundation, crawl space, attic, soil, grading, drainage, retaining walls, interior or exterior doors, windows, walls, ceilings, floors or appliances Yes No
- 2. The leasing of any of the following on or serving the Property: solar system, water softener system, water purifier system, alarm system, or propane tank (s) Yes No
- 3. An alternative septic system on or serving the Property. Yes No

Explanation: _____

D. DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT: ARE YOU (SELLER) AWARE OF...

- 1. Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to make repairs Yes No

Explanation: _____

E. WATER-RELATED AND MOLD ISSUES: ARE YOU (SELLER) AWARE OF...

- 1. Water intrusion into any part of any physical structure on the Property; leaks from or in any appliance, pipe, slab or roof; standing water, drainage, flooding, underground water, moisture, water-related soil settling or slippage, on or affecting the Property Yes No
- 2. Any problem with or infestation of mold, mildew, fungus or spores, past or present, on or affecting the Property Yes No
- 3. Rivers, streams, flood channels, underground springs, high water table, floods, or tides, on or affecting the Property or neighborhood Yes No

Explanation: _____

F. PETS, ANIMALS AND PESTS: ARE YOU (SELLER) AWARE OF...

- 1. Pets on or in the Property Yes No
- 2. Problems with livestock, wildlife, insects or pests on or in the Property Yes No
- 3. Past or present odors, urine, feces, discoloration, stains, spots or damage in the Property, due to any of the above Yes No
- 4. Past or present treatment or eradication of pests or odors, or repair of damage due to any of the above. Yes No
If so, when and by whom _____

Explanation: _____

G. BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS: ARE YOU (SELLER) AWARE OF...

- 1. Surveys, easements, encroachments or boundary disputes Yes No
- 2. Use or access to the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress or other travel or drainage Yes No

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)

SPQ REVISED 12/15 (PAGE 2 OF 4)

SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 2 OF 4)

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1105 Shoreline Dr,



Property Address: 1105 Shoreline Drive, , Placerville, Date: _____

3. Use of any neighboring property by you Yes No
Explanation: _____

H. LANDSCAPING, POOL AND SPA: ARE YOU (SELLER) AWARE OF...

- 1. Diseases or infestations affecting trees, plants or vegetation on or near the Property Yes No
- 2. Operational sprinklers on the Property Yes No
 - (a) If yes, are they automatic or manually operated.
 - (b) If yes, are there any areas with trees, plants or vegetation not covered by the sprinkler system Yes No
- 3. A pool heater on the Property Yes No
 - If yes, is it operational? Yes No
- 4. A spa heater on the Property Yes No
 - If yes, is it operational? Yes No
- 5. Past or present defects, leaks, cracks, repairs or other problems with the sprinklers, pool, spa, waterfall, pond, stream, drainage or other water-related decor including any ancillary equipment, including pumps, filters, heaters and cleaning systems, even if repaired Yes No

Explanation: _____

I. CONDOMINIUMS, COMMON INTEREST DEVELOPMENTS AND OTHER SUBDIVISIONS:

ARE YOU (SELLER) AWARE OF...

- 1. Any pending or proposed dues increases, special assessments, rules changes, insurance availability issues, or litigation by or against or fines or violations issued by a Homeowner Association or Architectural Committee affecting the Property. Yes No
- 2. Any declaration of restrictions or Architectural Committee that has authority over improvements made on or to the Property Yes No
- 3. Any improvements made on or to the Property without the required approval of an Architectural Committee or inconsistent with any declaration of restrictions or Architectural Committee requirement. Yes No

Explanation: _____

J. TITLE, OWNERSHIP LIENS, AND LEGAL CLAIMS:

ARE YOU (SELLER) AWARE OF...

- 1. Any other person or entity on title other than Seller(s) signing this form Yes No
- 2. Leases, options or claims affecting or relating to title or use of the Property Yes No
- 3. Past, present, pending or threatened lawsuits, settlements, mediations, arbitrations, tax liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, Homeowner Association or neighborhood Yes No
- 4. Any private transfer fees, triggered by a sale of the Property, in favor of private parties, charitable organizations, interest based groups or any other person or entity Yes No
- 5. Any PACE lien (such as HERO or SCEIP) or other lien on your Property securing a loan to pay for an alteration, modification, replacement, improvement, remodel or material repair of the Property? ... Yes No
- 6. The cost of any alteration, modification, replacement, improvement, remodel or material repair of the Property being paid by an assessment on the Property tax bill? Yes No

Explanation: _____

K. NEIGHBORHOOD:

ARE YOU (SELLER) AWARE OF...

- 1. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, traffic, parking congestion, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, underground gas pipelines, cell phone towers, high voltage transmission lines, or wildlife Yes No

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)

SPQ REVISED 12/15 (PAGE 3 OF 4)

SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 3 OF 4)

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1105 Shoreline Dr,



Property Address: 1105 Shoreline Drive, , Placerville, Date: _____

Explanation: _____

L. GOVERNMENTAL:

ARE YOU (SELLER) AWARE OF...

- 1. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that applies to or could affect the Property Yes No
- 2. Existence or pendency of any rent control, occupancy restrictions, improvement restrictions or retrofit requirements that apply to or could affect the Property. Yes No
- 3. Existing or contemplated building or use moratoria that apply to or could affect the Property Yes No
- 4. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property Yes No
- 5. Proposed construction, reconfiguration, or closure of nearby Government facilities or amenities such as schools, parks, roadways and traffic signals Yes No
- 6. Existing or proposed Government requirements affecting the Property (i) that tall grass, brush or other vegetation be cleared; (ii) that restrict tree (or other landscaping) planting, removal or cutting or (iii) that flammable materials be removed Yes No
- 7. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property Yes No
- 8. Whether the Property is historically designated or falls within an existing or proposed Historic District Yes No

Explanation: _____

M. OTHER:

ARE YOU (SELLER) AWARE OF...

- 1. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to (i) the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or (ii) easements, encroachments or boundary disputes affecting the Property. Yes No
(If yes, provide any such documents in your possession to Buyer.)
- 2. Any occupant of the Property smoking on or in the Property. Yes No
- 3. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer Yes No

Explanation: _____

VI. (IF CHECKED) **ADDITIONAL COMMENTS:** The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller _____ Date _____

Seller _____ Date _____

By signing below, Buyer acknowledges that Buyer has read, understands and has received a copy of this Seller Property Questionnaire form.

Buyer _____ Date _____

Buyer _____ Date _____

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Reviewed by _____ Date _____

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SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 4 OF 4)

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1105 Shoreline Dr.



EXHIBIT E

ARROWBEE
CELL TOWER
VIEW SHED
OVER 65
HOME VIEWS
NEGATIVELY
AFFECTED

SUBMITTED BY
Iona Merideth

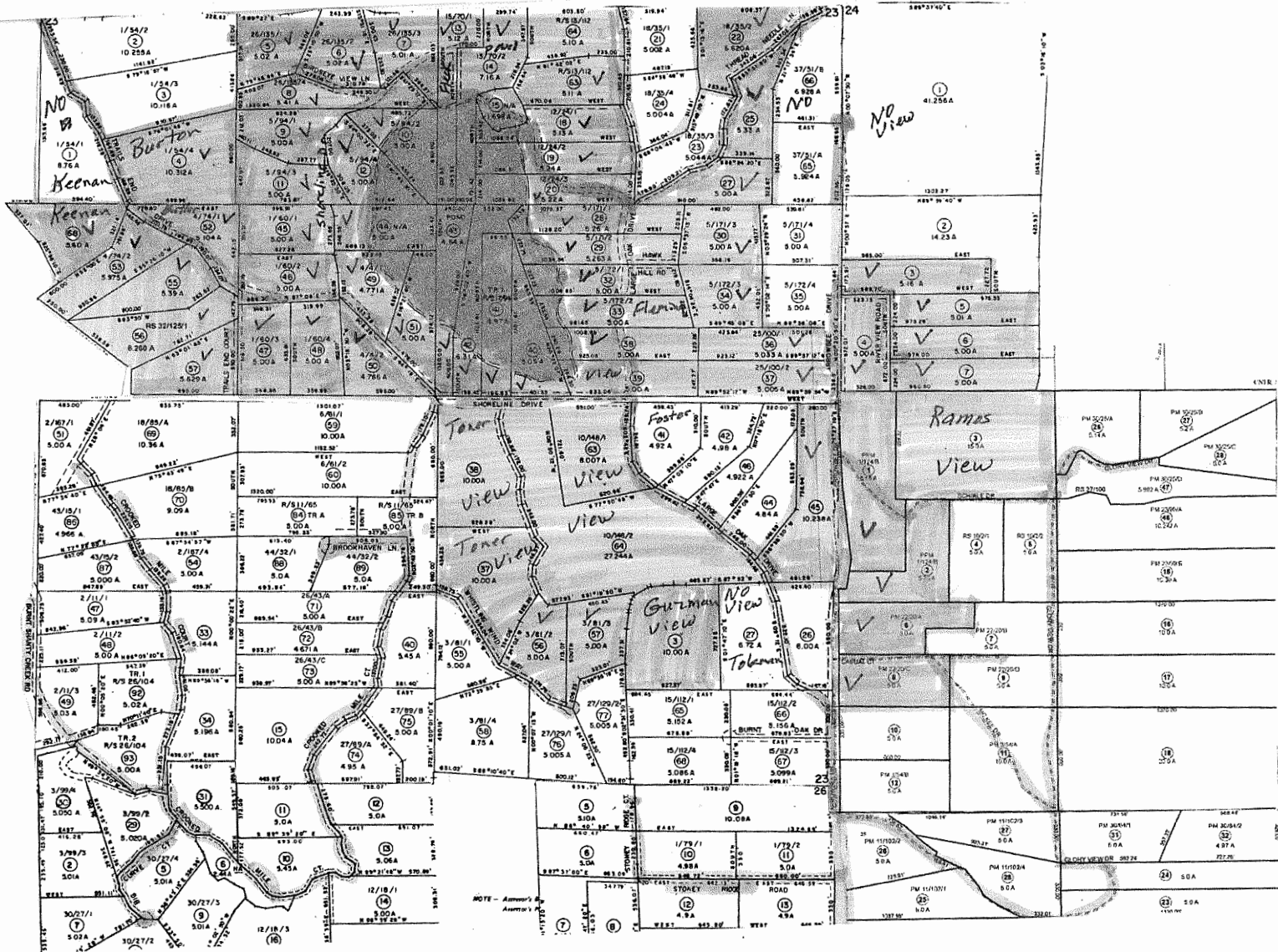


EXHIBIT F



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And more!
Advanced Media Solutions

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Local



An existing cell tower on Angie. City officials would not let Verizon put in their own tower 350 feet away.





Verizon told 'no' on new cell tower

Jeff Benziger

Jun 10, 10:03 a.m.

A new cell tower will not be allowed to be constructed in the industrial park northwest of Hatch and Mitchell despite a representative of Verizon explaining why the location would have maximized coverage for the company. The decision was not unanimous, however.

In April the Ceres Planning Commission rejected Verizon's request for a 65-foot-high cell tower at 2907 Nicholas Way. Some neighbors to the west said they didn't want the tower there, citing concerns about aesthetics. Commissioners Bob Kachel and Hugo Molina voted against the majority, however, saying that aesthetics weren't enough to stop a tower which is permitted in the industrial park.

Verizon appealed the denial to the council on Monday.

Tom Westbrook, director of the city's Community Development Department, recommended denial on the basis that city policy has been for cell service providers to seek out existing poles for placement of equipment. An existing tower owned by SBA is located 350 feet away. However, Mark Lobaugh of Epic Wireless Group, insisted that the next position on the 82-foot-tall tower is at the 56 feet height, which is not high enough to maximize coverage for the cost.

"It's too low for us," Lobaugh protested to the council. "It doesn't adequately serve our coverage objective and as such we chose to construct a new tower down the street."

Verizon originally proposed a tower of 85 feet to better cover the industrial area north of the river, the airport and airport district as well as the residential area in northeast Ceres. The higher tower is not allowed because of proximity to nearby residential lots.

Lobaugh argued that the site meets all the design specifications of the zoning ordinance, including height, setback and tower design.

"There's nothing in the zoning that precludes a second tower from being constructed on this site," he said, adding that the area that would have been served is "seriously underserved" by Verizon. He showed Doppler type maps that showed how coverage was limited by a lower transmitter and receiver. He said "five to eight feet can make all the difference in the world."

"If we're going to spend \$350,000 to construct a new communications facility, it needs to work," insisted Lobaugh. "There's no sense in co-locating on an existing tower that is not going to serve the objective."

By Westbrook's own admission, the zoning code "doesn't necessarily require the facility to be co-located." He added: "My job is to look at aesthetics." However, Councilwoman Linda Ryno stated that she really couldn't deny the tower since the zoning ordinance allowed it. Ryno, who said aesthetics is in the eye of the beholder, suggested that the city revamp its code to prevent towers from being built close together if aesthetics was the issue.

Ceres resident Leonard Shepherd argued that the city should allow the tower to allow Verizon to improve service. "To me it seems like we're nitpicking about aesthetics and the average citizen in Ceres doesn't give a rip about aesthetics in the industrial area," said Shepherd.

The council's decision was influenced by the protest of residents of the upper-scale community immediately northwest of the site. Randy Moring, a Canyon Drive resident who lives on a 14,000-square-foot lot, said he is concerned about aesthetics of the tower and ground building.

assessments of the tower and ground building.

It was later suggested that the equipment building would probably not be visible over the fence.

Harinder Toor lives adjacent to the proposed site and said he felt the tower would hamper his ability to build higher end homes on vacant lots that he owns. "That would definitely affect my retail value," said Toor.

When the appeal came to a vote, it was supported by Ryno and rejected by Vice Mayor Bret Durossette, councilmen Mike Kline and Ken Lane, and Mayor Chris Vierra.

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EXHIBIT G

proposed 60-foot cellular telephone tower on the town's eastern edge, upholding an appeal by a group of residents who said the tower won't fit in with the area's "rural quality."

Verizon Wireless would have to return with a substantially different project if the town is to reconsider, said Crystal De Castro, a Danville associate planner.

The Planning Commission approved the proposal for a "faux monopine tree" tower in the 1400 block of Lawrence Road on Sept. 22.

But the residents group appealed, contending the tower would harm the area's rural character, create noise and be unsightly.

The residents also contended there isn't a significant gap in cellphone coverage in Danville, and suggested Verizon was thinking San Ramon residents would benefit from the tower as much or more than Danville residents.

— Sam Richards, Staff

DANVILLE

Council rejects 60-foot cellular tower

By a 5-0 vote, the Town Council rejected a

Contra Costa Times

11/19/15

PC 3/24/16
#8
5 pages



Charlene Tim <charlene.tim@edcgov.us>

Correspondence re 3/24 PC Agenda, Item 8

Mylene Tiongco <mtiongco@cotalawfirm.com>

Wed, Mar 23, 2016 at 2:29 PM

To: "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "jeff.hansen@edcgov.us" <jeff.hansen@edcgov.us>, "james.williams@edcgov.us" <james.williams@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "planning@edcgov.us" <planning@edcgov.us>
Cc: "Daniel A. King" <dking@cotalawfirm.com>, Derek Cole <dcole@cotalawfirm.com>, "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>

Sending on behalf of Mr. King.

Mylene Tiongco
Legal Secretary



2261 Lava Ridge Court
Roseville, CA 95661
916-780-9009 - Main phone
916-787-7513 - Direct dial
916-780-9050 - Fax
Email: mtiongco@cotalawfirm.com
Website: <http://www.cotalawfirm.com/>

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2118_001.pdf
639K

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dking@cotalawfirm.com

REPLY TO:
 ROSEVILLE MONTEREY
 ONTARIO

March 23, 2016

VIA ELECTRONIC MAIL

El Dorado County Planning Commission
Community Development Agency
Development Services Division
2850 Fairlane Court
Placerville CA 95667

Re: Verizon Wireless Communication Facility, Arrowbee Monopine Project
Special Use Permit S15-004, Planning File 16-0041
March 24, 2016 Agenda, Item No. 8

Dear Commissioners:

Cota Cole LLP represents Iona Merideth, Janet Barbieri, and Linda Stevens, who live within the Arrowbee Lake community, regarding the above application. On behalf of these clients, we write to advise the Planning Commission of significant deficiencies in the California Environmental Quality Act ("CEQA") review conducted for the Cellular Tower Project and some of the proposed project findings. For the reasons we describe below, our clients request (1) that the Planning Commission deny the conditional use permit the applicant requests, and (2) if the applicant wishes to pursue the project following such denial, the County prepare an environmental impact report ("EIR") to analyze the Project's aesthetic impacts. At a minimum, because the applicant has made major changes to the project at the last minute, the Planning Commission should continue this matter so the public can have sufficient time to understand and assess the full impacts of the cellular tower at its new location.

A Negative Declaration is Not Appropriate for the Project

As a starting point, our clients object to project on the ground that Staff has incorrectly advised the Planning Commission that a negative declaration is appropriate. More specifically, as to potential aesthetic impacts, Staff has assigned a "less than significant" response to the question whether the Project would "[s]ubstantially degrade the existing visual character of the site and its surroundings?" In support of this response, Staff concedes the cell tower "would be

{DPC/00042780. }

2261 LAVA RIDGE COURT
ROSEVILLE, CA 95661
TEL 916-780-9009
FAX 916-780-9050



3401 CENTRELAKE DRIVE, SUITE 670
ONTARIO, CA 91761
TEL 909-230-4209
FAX 909-937-2034



19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CA 93940
TEL 831-275-1870
FAX 916-780-9050

16-0041 Public Comment
PC Rcvd 03-23-16

visible from some points in the surrounding area,” but greatly minimizes the extent to which this would be the case. There is insufficient evidence to justify this position.

Staff’s conclusion concerning aesthetic impacts appears to be based on visual simulations the applicant provided in association with the cellular tower’s original proposed location. Like the simulations submitted concerning the original location, the new simulations submitted were taken from locations from which only the upper portion the proposed Monopine structure appears to be visible. The simulations—taken from what may appears to have been self-serving locations—provide a very selective view of what the proposed structure would really look like within the community surrounding the Lake.

To obtain a truer and more accurate depiction of how the tower will appear, the Planning Commission should closely examine the actual site where the tower would be constructed. Although the base and bottom half of the Monopine structure would be partially screened in some directions, it is important to recognize that there are houses in a wide range of directions from the tower. In some directions, clearings near the tower would expose the Monopine structure’s entire extent, including its base, to some houses within the Arrowbee Lake community. Because *several* properties are within the viewshed of the proposed tower, and because of the varying exposures these properties would have to the tower, it would not be appropriate to draw any accurate conclusion from just the few, selective simulations the applicant has submitted.

Yet, even from the vantage points shown in the applicant’s simulations, the Monopine structure still towers over the canopy of the nearby trees, creating an erratic tree-line. In other words, even assuming the applicant’s simulations were accurate portrayals of what the proposed tower would look like, this would mean the upper portion of the structure would stick out like a sore thumb to nearly the entire Arrowbee Lake community. Indeed, based on a review of the updated plans the applicant has submitted, the top of the proposed tower would actually reach a higher elevation than as originally proposed. The extensive visibility of this type of unnaturally appearing structure is not appropriate in a community such as that which surrounds Lake Arrowbee. This area is zoned Estate Residential (RE-10 and RE-5), and is composed of large-lot, rural residential properties, which have been developed to accentuate the natural surroundings of the area.

The standard for requiring an EIR is a low one. (*Consolidated Irrig. Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207.) A negative declaration is not appropriate when there is a “reasonable probability” that a project will result in at least one significant environmental impact. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 fn. 16.) The “fair argument” standard prevails in this analysis, meaning so long as there is some evidence in the record of such an impact, the agency *must* prepare an EIR. (*Brentwood Ass’n for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491.)

In light of the low-density, bucolic setting in which the Monopine structure would be built, coupled with its incomplete screening and erratic protrusion above the natural tree-line, it is not proper for the County to find there is no possibility of a significant aesthetic impact associated with the Project. At a minimum, the County must conduct a more thorough review of

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the Project's aesthetic impacts by assessing the views that would affect all properties, not just from the few places in the community the applicant has selected. Unless and until that analysis is undertaken, the County's CEQA review of the project will remain deficient. This is true even with the last-minute changes the applicant has made, which do little to rectify the significant defects in the environmental review that has been conducted.

The Project Violates the Screening Requirement of the County Zoning Ordinance

The Project also fails to satisfy the standards of the County's Zoning Code as pertain to cellular towers. It must be noted that because the project is proposed within 500 feet of a residential area, a conditional use permit is required, evidencing the potential for land-use incompatibility between the industrial-like nature of the project and its sensitive surroundings. In particular, the Project violates County Code, section 130.40.130(D)(1), which requires that "[a]ll facilities shall be screened with vegetation or landscaping. Where screening and vegetation is not feasible, the facilities shall be disguised to blend in with the surrounding area...."

For the same reasons as described above, the Project would not provide adequate screening, as this section requires. As explained, the full extent of the proposed Monopine, including its base, is shielded only from certain properties, and even those properties that are shielded are still exposed to the awkward, unsightly protrusion of its upper portion well above the natural treeline. Effectively, the Monopine structure is not "screened" in any practical way. The applicant has simply proposed to place the structure near a few existing trees. Such token efforts are not enough.

Further, the applicant may only rely on measures for blending in the Monopine structure with its surroundings if it shows screening measures are not feasible. As the applicant has undertaken no real effort to incorporate screening measures, it cannot invoke this alternative method of satisfying section 130.40.130. But even it could, the fact would remain that the full extent of the structure is visible to several properties within the Arrowbee Lake community and its upper portion remains visible to nearly all of that community. There is nothing about the structure that would enable it to be "disguised" such that it could "blend in" with its surroundings.

Because of the clear violation of the screening standards of section 130.40.13, the Planning Commission should find the Project does not meet all applicable zoning requirements. Based on such a finding, the Commission should deny the conditional use permit the applicant seeks.

Approval of the Project Would be Inconsistent with the General Plan

Finally, approval of the Project would violate General Plan Policy 2.2.5.2.1. This policy states:

"Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in

effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located at a different site.”

The points raised above apply equally here. Given the unsightliness of the proposed Monopine structure, and its visibility to so many rural residential properties, the County cannot make the finding of compatibility this policy requires. As noted, the applicant has not incorporated any real screening measures that would mitigate the awkward manner in which the Tower would stand out if constructed. The failure of the applicant to satisfy this policy furnishes another ground for denial of the conditional use permit.

Conclusion

For the reasons described above, the Planning Commission should deny approval of the conditional use permit the applicant seeks. If the Project is to go forward, it would require significant revisions to address its manifest unsightliness within the pastoral setting in which it would be located. If the applicant wishes to pursue the Project, the County should, at a minimum, be required to prepare a focused EIR to analyze the Project’s aesthetic impacts and to identify adequate mitigation measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. King". The signature is fluid and cursive, with a large, stylized "K" at the end.

Daniel A. King
COTA COLE LLP