

PC 1-9-20
#2

RE: CUP18-0012 HORIZON TOWER BAVARIAN HILLS

Dear Planning Commissioners,

I strongly oppose the proposed construction of a cell tower on the the borders of two designated zoning parcels and preserves in the Apple Hill area. The cell tower construction site is located within the borders of a 52 acre parcel of a full grown timber preserve. There is less than 100 feet of defensible space or set back from the site perimeter. There are, therefore, serious concerns for the presence of fire danger.

The neighboring parcels are zoned as Agriculture Preserve which share a boundary with the Timber Preserve and are devoted to income producing agricultural pursuits. There are no less that 10 growers in the immediate vicinity of the tower site who rely on the scenic and rural environment to entice over 1 million visitors to market their income-producing products. The economic and agricultural viability to the Apple Hill area and El Dorado County is substantial.

The visible evidence of large sink holes in the area that are remnants of historic mining operations is of further concern of soil stability and erosion for structures.

Finally, the intrusion of a commercial enterprise onto the agricultural area flies in the face of the principles and restrictions embodied in the application and maintenance of both preserves.

It is clear that proposal for the construction of a cell tower is not compatible for this area of Apple Hill.

Sincerely yours,



Stanley Geel, Ph.D.

2020 JAN -2 AM 10:17
RECEIVED
PLANNING DEPARTMENT

PC 1-9-20
2

RE:: CUP16-0012 Horizon Tower Bavarian Hills Site – APN 048-090-04

Dear Planning Commissioners,

I respectfully request that the name of my orchard and restaurant “Bavarian Hills” not be used in referring to this communications tower project. The site for this proposed tower is not on my property or is it bordering my property or restaurant. I have used this name for my orchard and restaurant for 30 years. It has been designated on the Apple Hill Growers Association map as such for many years. I am not a part of this project nor do I favor this project. I do not wish to be associated in any way with this project.

On March 13 I contacted the Horizon Tower representative by telephone and discussed with him the problem I have with the company using my business and orchard name for the Dick and Leslie Bush cell tower. He indicated he would take care of the problem. Obviously, he did not do so. Bavarian Hills is not the name of the area where the site is proposed. The area is commonly known as Apple Hill and more specifically, Madrona Vineyard & Winery area.

This is very confusing for the general public, for the residents of the Apple Hill area and, specifically, for my customers. Hopefully, this was not the intention of the Horizon Tower Company. The El Dorado County residents have the right to know exactly the correct location for this proposed communication tower and the correct names of the property owners who are requesting the permit for this project.

Thank you for your consideration.

Sincerely,


Inge Bunting, Owner
Bavarian Hills Orchard & Restaurant

2020 JAN -2 AM 10:17
RECEIVED
PLANNING DEPARTMENT

2020 JAN -2 AM 10: 17
RECEIVED
PLANNING DEPARTMENT

pc 1-9-20
#2
5 pages

RE: CUP18-0012 HORIZON TOWER BAVARIAN HILLS

Dear Planning Commissioners,

In my review of the proposed Mitigated Negative Declaration, it is my conclusion that the document is inadequate in that it fails to address potentially serious environmental issues raised by knowledgeable members of the public during a previous hearing before the Agricultural Commission, and it inadequately addresses other aspects of potential environmental impacts.

You are charged with the responsibility of reviewing the proposed Mitigated Negative Declaration addressing the potential environmental impacts associated with the proposed cell tower. Your consideration of the adequacy of the environmental document is required to be made and acted on before any approval action of the project itself. If you find that the Mitigated Negative Declaration is inadequate or fails to address potential significant impacts, you are obliged make such a finding and no further action need be taken on the project itself.

For reasons cited below, it is my opinion that the environmental document should not be adopted in its current substandard condition. Approval of an inadequate and inaccurate Mitigated Negative Declaration would result in a document that is ripe for appeal and subsequent court action. If the Planning Commission would be inclined to request that the proposed Mitigated Negative Declaration be amended, and only if the applicant agrees to extending time requirements, the document could be revised to remedy its inadequacies and then re-circulated to the public for a specified period prior to further formal consideration.

Reasons for findings of inadequacy are as follows:

Project Description

The project description is probably the most important part of the environmental document, yet it fails to identify two of the major issues associated with the project: How much higher is the "Pine-pole above the existing surrounding trees and how far is the project from the nearest residence and business. The staff describes this monopole as "similar in size, albeit taller to the surrounding trees." Well, how much taller: Ten feet? Fifty feet?

1. Section 3.1 Aesthetic/visual resources, c. Substantially degrade the existing visual character or quality of the site and its surroundings?

A statement responding to this question is, "The site is not located within, or in the vicinity of, an identified scenic corridor or designated scenic highway." It is absurd for this document to conclude that because the Apple Hill area is not formally identified as a scenic corridor or designated scenic highway that its beauty is not significant! This specific area of Apple Hill is the most scenic and photographed landscape in the area. It has been recognized as such by the El Dorado Chamber of Commerce who has used a photograph of this very area as their website events page masthead for more than 3 years. The El Dorado County Film Commission has brought numerous clients to this area and as a result property owners have been offered several film opportunities by such companies as Disney. Agricultural Tours from around the world have visited the area to see and learn about the miracle of Apple Hill. Growers have followed in the vision of pioneer families (Edio Delfino, Dick Bethell, Bob Tuck, Gene Bolster) by promoting viable agricultural practices in the area. The result is a scenic location visited by millions annually to enjoy fresh fruit, purchase Christmas trees and sample wine. The income derived from visitors, therefore, constitutes substantial economic viability to El Dorado County.

Furthermore, there has never been an actual close-up photograph of exactly what the proposed faux tree would look like. Many faux trees are exceedingly unattractive.

In addition, the document describes the project site as within "managed forest land," yet the new County of El Dorado Vegetation Management and Defensible Space Ordinance as well as the California Public Resources Code 4291 as well as other government agencies require a minimum 100 foot clearance around such a project. These requirements cannot even begin to be met given that the project is less than 60 feet from the property line. The required standard of clearing timber and brush within a minimum 100 feet of the project would result in the proposed cell tower to be more visually imposing than originally anticipated. The Mitigated Negative Declaration fails to mention that the project would be more visual than initially described and to what extent. In this respect, the Mitigated Negative Declaration is inadequate.

Moreover, the project description includes a 6-foot-high chain link fence surrounding the project. A chain link fence is incongruous with its setting of “managed forest land”. Not only is it very utilitarian in appearance, its 6-foot-high height is inadequate because deer find it easy to jump over fences of this height.

There is no description of the 8 pre-manufactured equipment cabinets such how large they are and if the cabinets would be visible from outside the surrounding fence/structure.

The loss of trees around the project site will reduce the buffering affect of the project to adjacent properties. This is a grievous omission from the Mitigated Negative Declaration.

For the reasons listed above pertaining to “Aesthetics”, the Mitigated Negative Declaration is inadequate.

2. Biological Resources: Under the Biological Resources section, the document states that the project was “*considered by the Agricultural Commission on May 08, 2019. The Agricultural Commission recommended approval of the project and found that the project would not be detrimental to agricultural production, would not conflict with agricultural production and would not reduce or destroy agricultural buffering.*” Please note that in making its decision, the Agricultural Commission did not have the benefit of any environmental studies or soils studies, nor was there input from the El Dorado County Agriculture Department. The Department made the decision to not make any recommendation concerning this project due to the controversial nature of such a decision. No alternative sites were studied thoroughly. Furthermore, there was no public notice of any of the alternative sites, so they would not be able to even consider an alternative site which may be more suitable.

3. Section 3.6 Geologic: c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

People who live and work in the vicinity of the proposed cell tower are very much aware of the numerous abandoned gold mines and tunneling throughout the

area. This situation was made clear by knowledgeable individuals speaking at the Agricultural Commission meeting and which information was heard by the staff. However, the Mitigated Negative Declaration fails to address this issue, so it is not known what, if any, measures were taken to make sure that the project would not result in collapse of the site with the weight of the tower upon it. The document is, therefore, inadequate in this regard. There is no discussion of the depth of the monopole foundation, although it is mentioned in the staff report that it is “anticipated” to be “at least” 30 foot below grade.” Again, this description is meaningless. Could the foundation then be 50 feet below grade? Seventy-five feet below grade”? Furthermore, a biologist consultant, who is nameless and not an engineer or geologist, “assumes” the depth to groundwater is greater than 50 feet below grade surface.” This is further evidence of the need for a geologist to determine underground stability and water table issues since knowledgeable individuals have raised the possibility of abandoned gold mines in the vicinity. This Mitigated Negative Declaration should NOT be approved without properly addressing these issues.

4. Biological Resources, d. Would the project “*d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*”

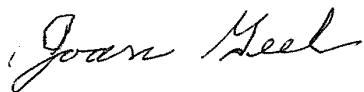
Environmental impacts are not only considered on a project-by-project basis, but cumulatively. The subject area is home to wildlife that is not considered “endangered”, e.g., deer, fox, and bear. The California Brown Bear has come back from being extensively hunted for its fur to now a much more common population. However, cumulatively its habitat has been reduced due to encroachment into its territory by human development. This causes adverse impacts on human habitat when bear population finds it necessary to invade human territory. The document fails to address the cumulative impacts of the project, especially what other developments might be considered or what the zoning and General Plan will allow in terms of future development.

5. Noise, Would the project cause *c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Or d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The Mitigated Negative Declaration is not clear about noise impacts above ambient levels. In fact, it is quite unclear if the project will be using battery power, which is relatively quiet or gasoline or diesel or propane fueled generators, which can be significant depending on frequency or time of day or night. The Horizon Company Representative has made conflicting statements at previous hearings. With PG&E power outages anticipated to continue up to 10 years, according to PG&E, ambient noise levels have the potential to be very disturbing. And, related to the use of generators, how will fuel be delivered and stored for the generators? There are many unanswered questions about the backup system. The staff report states only that "no generators are proposed AT THIS TIME". As stated. It appears there is some room in the future for the use of generators. This serious matter should be clarified and conditioned so that generators are NOT used unless a noise study is undertaken to address how the use of generators would affect nearby houses and businesses. The fact that these issues mentioned above are not discussed at all should lead to the conclusion that the Mitigated Negative Declaration is inadequate and, as such, should be not adopted.

Finally, there is no urgency or priority for erection of a tower since a communications tower exists 1.9 miles from this site. It is placed in a much more appropriate commercially zoned area on Carson Road and at a higher elevation.

Sincerely yours,

A handwritten signature in cursive script that reads "Joan Geel".

Joan Geel
Camino, California