

#4



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**Verizon/Swansboro Cell Tower appeal. Agenda June 7, 2016**

1 message

**Loretta Webb** <lorettajanewebb@att.net>

Sun, Jun 5, 2016 at 7:50 AM

Reply-To: Loretta Webb &lt;lorettajanewebb@att.net&gt;

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Cc: Kaiva Dahrian <kaiva@agingsolutions.com>, Rich Wanner <richwanner334@aol.com>, Tony Webb Webb <tmoneeyegrapes@directcon.net>

Dear Board of Supervisors.

I am asking you to please honor the Upper One Eye Creek Road Community appeal of the Verizon/Swansboro Cell Tower.

The site for this tower is not the least intrusive.

The Upper One Eye Creek Road Community does not believe Verizon's Alternative site analysis is a proper alternative site analysis. Refer to the planning commissions comments at the hearing on Aug. 13, 2015.

Thank You

Loretta Webb

Attachments:

Letter

Video

VERIZON TOWER.wmv



VERIZON TOWER.wmv

[View on drive.google.com](#)[Preview by Yahoo](#)

least intrusive.odt

59K

June 4, 2016  
El Dorado County Board Of Supervisors.

RE: Appeal Verizon Swansboro Cell Tower S54-0001  
Agenda June 7, 2016

Members of the Board,

Verizon's attorney's sent you a letter. The letter is under public comments section on the BOS site for this tower.

<https://eldorado.legistar.com/LegislationDetail.aspx?ID=2738146&GUID=204FDE40-99D0-4CD6-8166-70AA8A9BDA08&Options=&Search=>

Letter from Verizon Attorney.

Under section V.

A local government's denial of a permit for a wireless facility violates the “effective Prohibition” clause of the TCA if the wireless provider can show two things:

I am focusing on number 2.

(2) The proposed facility is the “least intrusive means,” in relation to the land use values embodied in local regulations to address the gap.

Look at the video presented by Rich Wanner. This is a vast rural area and One Eye Creek Road being surrounded by ridges that are higher. Can you truthfully believe, better yet prove, or convince anyone else that in the vast Mosquito/Swansboro area that a 10 story high cell tower 250 foot from 2 homes is the least intrusive place to put this tower. I think not. All that being said. Do you think Verizon can truthfully believe that. WOW. Shame on somebody.

Verizon Attorney letter.

(V) Bottom of second paragraph.

To avoid such preemption, the local government must show that another alternative is available, technologically feasible, and less intrusive than the proposed facility.



Shame on someone here. We feel we are being blackballed. Looks to me like our county government is not representing the tax payers that pay their salary. The planning commission made no attempt to push less intrusive site even after the planning commission suggested it and it was brought up several times. What do you think this looks like to us? Words can't explain it. We got shoved under the bus.

A video of a much less intrusive site has been provided from Rich Wanner.

Verizon Attorney Letter.

(B) In an effort to address the significant gap, Verizon Wireless evaluated seven locations as shown in the comprehensive Alternatives Analysis attached as Exhibit f. Verizon Wireless discounted locations that were infeasible, cannot serve the significant gap or are more intrusive. The Alternatives Analysis confirms that the approved Facility is the least intrusive means of providing wireless service to the significant gap.

QUESTION:

IS THE SITE ON ONE EYE CREEK ROAD THE LEAST INTRUSIVE OR THE LEAST EXPENSIVE FOR VERIZON?

The Upper One Eye Creek Road Community is demonstrating that the site on One Eye Creek Road is not the least intrusive, it is the least expensive for Verizon. Look at the video by Rich Wanner. Take a good look at the area. Then tell us One Eye Creek Road is the least intrusive site. I am old but not stupid enough to believe all this bull we are being fed. All this vast land and ridges and the only place that is less intrusive is 250 foot from two elders homes and less than 900 ft from a total of 5 homes. MY GOD HAVE MERCY ON MY SOUL.

The Verizon Attorney says that Verizon evaluated seven locations. The following is what transpired.

Hearing before planning commission on Aug. 13, 2015.

Original Alternative site analysis:

3204 One Eye Creek Road.

3218 One Eye Creek Road

3230 One Eye Creek Road

3247 One Eye Creek Road

3235 One Eye Creek Road

These five sites are all within probably 600 ft. of the proposed tower site.(I'm

guessing, but I am probably very close)

The planning commission dismissed the above sites. I don't think they can be counted in the seven sites that Verizon's Attorney mentioned.

The numbers are the time on the audio of the planning commission hearing on Aug. 13, 2015.

1:38:10,

The Planning Commission said:

Alternative site analysis. I fail to see how this is an alternative site analysis. (referring to the five addresses above on One Eye Creek Road.)

1:39:48

Mark Lobaugh asked the planning commission: What is the definition of an alternative site analysis?

(Should Mark not know this? This is his business.)

The planning commission said to Mark: You go out and do some studies, different sites that would accomplish the same objective, same coverage.

1:40

Planning commission said: Looking at a map this can't be the only place, looking at the map these places could be evaluated north and along Rock Creek Road.

THIS SITE ON ROCK CREEK ROAD IS THE SITE PRESENTED ON THE VIDEO. VERIZON DID NOT EVEN INCLUDE THIS SITE IN THE SECOND ALTERNATIVE ANALYSIS EVEN AFTER THE PLANNING COMMISSION ASKED VERIZON ABOUT THIS SITE.

The Upper One Eye Creek Road Communities comment to this is in their letter under public comment received 4-25-16 to 4-28-16.

(our comment)

The planning commission brought the area on Rock Creek Road to Verizon's attention and yet Verizon ignored it as an alternative site. Could it possibly be, because the area would work. Forest area, close enough to power, slightly higher than the One Eye Creek Road site. Then again it might be too high and/or interfere with reception somewhere else.

At the planning commission hearing on April 28, 2016 the planning commission totally ignored any comments or statements about the forest site (I guess the pc



forgot) even after the commission and the Upper One Eye Creek Road Community brought this up several times. It was just skirted over and a permit doled out. Is this fair or what? Who is this commission representing?

52:19

The planning commission asked Mark, Did you explore National Forest Land. The elevations come back up. Was that one of the sites explored?

Mark answer was, It's remote. I've actually been out there. I've hiked far north and it is inaccessible. I believe it's a combination of national forest and BLM land. There is no power.

Richard Wanner presented a video of this same remote forest land, power is not that far away.

THE FIRST TWO RESIDENTS OF ONE EYE CREEK ROAD HAD TO PAY TO BRING POWER UP THE HILL.

QUESTION:

WHY SHOULD VERIZON BE TREATED DIFFERENTLY? THEY HAVE THE FUNDS TO PULL POWER. BETTER VERIZON CLAIM THAT ONE EYE CREEK ROAD IS THE LEAST INTRUSIVE SITE AND LEACH OFF THE POWER PAID FOR BY SOMEONE ELSE.

Now for the alternative site analysis that Verizon presented to the planning commission on April 28, 2016. This is when the Special Use Permit to build this tower was doled out.

Alternate A..

Slate Mountain. Too high of a location.

Question:

Does this tower have to go to the top of the mountain? Hey! There is power on slate mountain.

Alternate B..

Bald Mountain..Too far away.

This one sounds truthful to me.

Alternate C..

38816833/-120.751861

This site is 300 ft. below ground elevation.

I don't understand where this is it just shows numbers.

I don't know, but it seems to me that Verizon could tell by looking at an area if it is too high or too low. Looks to me like Verizon listed a site that they knew would not work. Look like that to anyone else?

Alternate D..

Candidate at the airport.

Can't put a 70 foot structure that close to the airport.

I can't believe this one. Did Verizon not realize ahead of time that you can't put a cell tower near an airport. WOW WOW

Does this board really think that this is an alternative site analysis?

I'm wondering if the Verizon Attorney actually read this.

QUESTION:

Should Verizon come before this board and say that an alternative site will not work, are any members of this board qualified to know for sure that any of the technical stuff that Verizon puts before you is true? I hope after all that has transpired dealing with this cell tower you understand why I ask this question.

It is very clear to me that this board cannot be sued if the appeal from The Upper One Eye Creek Road Community is approved by this Board of Supervisors.

The site for this tower on One Eye Creek Road is not the least intrusive. It appears very clear to me that no honest attempt to find a less intrusive site was ever made and suggested sites were ignored.

Five of the Alternative site analysis's presented at the Aug. 13, 2015 were discarded by the planning commission.

With the exception of one of the alternate site analysis presented at the April 28, 2016 hearing they sound a little fishy to me.

Please view attached video.



Thank you for your attention in this matter,  
Loretta Webb  
3230 One Eye Creek Road  
Placerville, Ca.

#41

**LATE DISTRIBUTION****DATE**

6/6/16

BUS

6/7/16

EDC COB &lt;edc.cob@edcgov.us&gt;

**Fwd: FW: Public Comment for Board of Supervisors Meeting June 7, 2016  
Agenda File # 15-0881**

1 message

**Jim Mitrison - El Dorado County** <jim.mitrison@edcgov.us>

Mon, Jun 6, 2016 at 8:07 AM

To: EDC COB &lt;edc.cob@edcgov.us&gt;

Please include as public comment for Item 41 June 7. Thank you.

Jim Mitrison  
Clerk of the Board of Supervisors  
County of El Dorado  
Ph. 530.621.5390 Main  
Ph. 530.621.5592 Direct  
Email jim.mitrison@edcgov.us

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

From: **Kaiva Dahrian** <kaiva@agingsolutions.com>

Date: Sun, Jun 5, 2016 at 9:13 AM

Subject: FW: Public Comment for Board of Supervisors Meeting June 7, 2016 Agenda File # 15-0881

To: Jim Mitrison - El Dorado County &lt;jim.mitrison@edcgov.us&gt;

Cc: Loretta Webb &lt;lorettajanewebb@att.net&gt;, "richwanner334@aol.com" &lt;richwanner334@aol.com&gt;, Tony Webb Webb &lt;tmoneeyegrapes@directcon.net&gt;

Good Morning and Greetings,

Did you get my Email for the Agenda File #15-0881 on Friday? If not, this is a resend.

Thank you.

Best regards,

Kaiva Dahrian, M.S., M.F.T.

Care Manager

Aging Solutions, Inc.

www.agingsolutions.com





This document may contain information covered under the Privacy Act, 5 USC 552(a), and/or Health Insurance Portability and Accountability Act (PL104-191) and its various implementing regulations and must be protected in accordance with those provisions. Healthcare information is personal and sensitive and must be treated accordingly. If this correspondence contains healthcare information it is being provided to you after appropriate authorization from the patient or under circumstances that do not require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure, and confidential manner. Redisclosure without additional patient consent or as permitted by law is prohibited. Unauthorized redisclosure or failure to maintain confidentiality subjects you to appropriate sanction. If you have received this correspondence in error, please notify the sender at once and destroy any copies you have made.

**From:** kAiVA [mailto:yes.ava@gmail.com]

**Sent:** Sunday, June 05, 2016 8:58 AM

**To:** Kaiva Dahrian <kaiva@agingsolutions.com>

**Subject:** Fwd: Public Comment for Board of Supervisors Meeting June 7, 2016 Agenda File # 15-0881

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

**From:** kAiVA <yes.ava@gmail.com>

**Date:** Fri, Jun 3, 2016 at 2:58 PM

**Subject:** Public Comment for Board of Supervisors Meeting June 7, 2016 Agenda File # 15-0881

**To:** jim.mitrisin@edcgov.us

Dear Jim,

Attached are my documents for the Board of Supervisors Meeting on June 7, 2016 regarding File #15-0881.

Please let me know that you have received this document for posting.

Thank you for your assistance.

Sincerely,

Kaiva Dahrian, M.S., M.F.T.

yes.ava@gmail.com

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**4 attachments**



**Dead Trees Mosquito 2 May 1, 2016.jpg**  
165K



**Dead Trees Mosquito 4 May 1, 2016.jpg**  
109K



**FINAL June 3, 2016 Personal Appeal to BOS.pdf**  
290K



**Letter to EDCPC Elder Abuse April 22, 2016.pdf**  
211K











Kaiva Dahrian, M.S., L.M.F.T.  
3204 One Eye Creek Road  
Placerville, CA 95667  
[yes.ava@gmail.com](mailto:yes.ava@gmail.com)

June 3, 2016

Via Email

Michael Ranalli,  
Second Vice Chair, District IV  
El Dorado County Board of Supervisors  
County Government Center  
330 Fair Lane  
Placerville, CA 95667

Via Priority Mail

Tom Wheeler, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Appeal of the approval of Special Use Permit S15-0001/109-foot Swansboro Verizon Cellular Tower (Mono-Pine) to be considered on June 7, 2016 at 2:00pm at the County Government Center at above address (our community recommends finding alternatives that do not inflict legal, ethical and moral abuses)

Dear Mr. Ranalli and Mr. Wheeler,

We, the Community of Upper One Eye Creek Road, question the validity of the El Dorado County Planning Commission's approval of the proposed cell tower in the midst of our residential community in Mosquito, California.

We are being bullied by Verizon and absentee landowner, Nick Rumsey. These two entities have not responded to our requests or protestations of legal, ethical and moral abuses. That is abusive in itself.

PROBLEM

Our Community's evidence of legal trespasses and documentation of pain and suffering in regards to this proposed cell tower, have been summarily dismissed by the El Dorado County Planning Commission and most recently, by the Project Planner's 6-page rebuttal of our points of appeal. In addition, Verizon's San Francisco law firm, Mackenzie & Albritton, LLP has sent in a 45-page rebuttal of our appeal (complete with photo-shopped pictures). These events have been both shocking and disappointing. We do not feel



as though we have an ally in the county. We have been raked over the coals, thrown under a bus, ignored and dismissed. Ouch.

Personally, I have discontinued my Verizon cellular coverage and am informing family and friends of Verizon's legal, ethical and moral trespasses. Our community does not understand why, with Verizon's vast resources and tracts of land available for their use, that they insist on bullying our community, consisting of a demographic of 50% senior citizens. I went into this already 1 1/2-year journey as an Earth Steward. I come out as an Elder Rights Advocate.

In my research, I have been told over and over again that local government does not care about the intentional infliction of pain and suffering on our community, especially on senior citizens. That this is a public utility "unwanted use project" that gets stuck in a place where the people do not have the resources to fight it.

The people without a fleet of lawyers is us. And the resource for reform is you.

We are a community of concerned citizens with a combined 115-year relationship with our community and our properties. The mission statement of the Board of Supervisors mandates that the supervisors consider the needs and well-being of its constituents. We, as registered voters in El Dorado County deserve our concerns to be properly vetted. We are asking for your assistance.

To review:

On August 13, 2015 and April 28, 2016, our community reported to the Planning Commission on the following items which make this proposed tower unsuitable for this location.

We presented:

- Health & Human Safety concerns: extreme fire danger with valid concerns of entrapment of humans at the top of a dead-end road, serviced by a volunteer fire department. Cell towers do fall, they do catch on fire and they do collapse. We are located at 3,000 feet and dry lightning storms are common. We are serviced by a volunteer fire department. (There is a story I know about the time that the neighboring Georgetown Fire Department got to us ahead of the Mosquito Fire Department.)

Currently, the Health & Human Safety issue has become more compelling with the legions of dead and dying trees (see attached 2 pictures from our neighborhood on May 1, 2016). Agriculture Secretary Tom Vilsack recently reported on this dead tree phenomenon at a briefing in Washington D.C.: "You've got 40 million dead trees. You've got 40 million opportunities for fire...You're looking at a very serious situation." (*San Francisco Chronicle*, May 18, 2016).

- Legal trespasses: property owner leasing to Verizon does not have recorded deeded legal access to this property. Verizon would be trespassing should they continue to proceed. And they continue to proceed.

- Ethical trespasses: please see my attached April 22, 2016 letter describing intentional infliction of emotional distress on senior citizens. The cell tower is proposed 250 feet from a senior citizen's front door and breakfast porch. I also identify the ongoing and intentional stonewalling and dismissal of our concerns by Verizon and Rumsey as abusive.
- Environmental concerns: the aesthetics of this proposed cell tower have been misrepresented - the mono-pine of 109-feet does not blend in with trees that are 40-80 feet tall and phone poles that are 40-50 feet tall. In addition, many trees in the area are now dead. This would be a nod to Verizon architectural staff to begin designing fake trees that look like they are dead, "to blend in with the surroundings."

In addition, the proposed cell tower would be in the flight path of bald eagles and other migratory birds, and there would be disruption of a heavily used game trail. These are facts that we can document by personal observation. The Biological Assessment for the Verizon/Swansboro site by Foothill Associates on January 18, 2016 was commissioned by Verizon, is flawed and needs to be re-researched. I know. I watch the eagles fly overhead, I see the deer and the bear that use the game trail that would be disturbed. (I have never seen a cougar on that particular game trail.)

- Economic concerns (property values decrease by 21%). The Project Planner's Report has dismissed these as "vague concerns." These "vague concerns" are about people's biggest investment, their homes.
- Interpretation of Ordinance 5030.130.40.130.6A & B from the El Dorado County Board of Supervisors Ordinance No. 5030: Why was a cell tower within 500 feet of a residence approved by the Planning Commission under the exemption of a Conditional Use Permit? Would they have done this in a neighborhood of million-dollar residences? That is a rhetorical question.
- In addition, please let me set the record straight on historical location. This proposed cell tower is proposed to be located in Mosquito, California, not Swansboro. Mosquito has been a community since 1853 after two men built a saw mill on One Eye Creek in response to finding local gold. For more information, please see Lois Pearson's Mosquito Memories.

Swansboro subdivision was the first rural subdivision in El Dorado County, started in 1968. One Eye Creek Road was not a part of this subdivision because it ran through the El Dorado National Forest. This proposed cell tower is meant to serve Swansboro, but it is not in Swansboro. This proposed cell tower is meant to serve the forest (the joggers, hikers, drug-addicts, hunters, poachers and cyclists), but it is not officially in the El Dorado National Forest.

## SOLUTION

We have been asking Verizon for the better part of a year to come up with a creative solution that does not inflict pain and suffering on our community. We do not see that they have tried to find these solutions that are mandated by their own site selection guidelines. Verizon is taking the easy way out,



using their brawn and muscle and hiding behind the Federal Telecommunications Act of 1996. These are the reasons that we are trying to negotiate our rights with the 22<sup>nd</sup> largest corporation in the United States.

Denying this proposed cell tower in its proposed location was not in the scope of the El Dorado County Planning Commission.

With respect to your positions as community leaders, I would like to point out that your hands are “not tied.” There are numerous cases that warrant study and they point out that local governments are not stripped of their authority to designate the locations of cell towers.

We are not asking for no cell towers in the area. We are asking for respect and sensitivity to a situation that is uniquely ours. We live in an area of heightened fire danger and are willing to take those risks, but we do not want those risks magnified. We respect the senior citizen members of our community and are asking that you pay them the respect they deserve.

We hope you ask yourselves this question:

**Given that this proposed cell tower violates legal laws of easement, legal mandates against elder abuse, and moral codes of conduct, are you prepared to take a stand to protect your citizens?**

Finally, we are asking the Federal Communications Commission to make an exception to its business plan in light of our concerns. We are asking for an exception in light of our status in this unique location.

I made a mistake 9 months ago, telling the Verizon representative that we were going to fight. If the word on the street is that “you can’t fight city hall,” then it makes no sense to fight against Verizon, government and private enterprise combined.

We are negotiating our constitutional rights of peace of mind and enjoyment.

I thank you in advance for your consideration of our concerns.

Sincerely,

Kaiva Dahrian, M.S., M.F.T.

Attachments:

April 22, 2016 letter

2 Photos of One Eye Creek Road neighborhood/trees



ADDENDUM:

For more information: a full listing of attachments (36 as of today) appears on the El Dorado County Website. It is necessary to go to:

[www.edcgov.us/BOS](http://www.edcgov.us/BOS)

Agendas

Meeting date: 6/7/2016

Meeting details

Item #41: File # 15-0881\*

\*The anonymous Public Comment Rec'd 6-3-16 BOS 6-7-16 is especially interesting about trespassing.

Video: <https://www.facebook.com/groups/debatingeldoradolocalpolitics/>

"Never doubt that a small group of  
thoughtful committed citizens can  
change the world; indeed, it's the  
only thing that ever has."

Margaret Mead

Kaiva Dahrian, M.S, L.M.F.T.  
3204 One Eye Creek Road  
Placerville, CA 95667  
(415) 335-1260

April 22, 2016

Via E-Mail

Community Development Agency  
Development Services Division  
County of El Dorado  
Planning Commissioners  
Placerville, CA 95667

Via US Mail

Nick Rumsey  
Rumsey-Lang Well Drilling  
4120 Sunset Lane #A  
Shingle Springs, CA 95682

Mark Lobaugh  
Verizon Wireless  
c/o Epic Wireless  
8700 Auburn Folsom Road  
Granite Bay, CA 95746

Re: File # 15-0881

Upcoming hearing on April 28, 2016 regarding 109 foot Cell Tower on One Eye Creek Road, Mosquito, CA

Dear Sirs:

This letter addresses the latest attempt by Verizon Wireless to put a cell tower at the top of a private, residential dirt road in Mosquito California.

Following is a brief history of the situation for those who may not be familiar with the case:

Nine months ago, in preparation for a planned cell tower hearing on August 13, 2015, I sent a letter and document (titled "A Modern Horror Story") to the El Dorado County Planning Commission about the building of a cell tower and industrial complex at Location #285387 on One Eye Creek Road. These are a few quotes from my letter and the story is attached for its factual research:

"The industrial complex is planned 150 feet from the door of a retiree's home....."

**"These actions are causing immense distress among the members of the Upper One Eye Creek Road Community. 50% of the members of this community are retirees and this is causing unnecessary alarm and anguish."**

At the planning commission hearing on August 13, 2015, the residents of Upper One Eye Creek Road came before you and we ended with a closing statement (transcript follows):

**"We are standing up as a united community for justice, and our liberty to have peace of mind and security in our neighborhood.**

**You, the planning commission, have read our supporting documentation that was provided to you days and weeks before this hearing.**

**Our closing points are:**

**1) The proposed building of this cell tower complex is inflicting needless pain and suffering on our community.**

**2) The proposed building of this cell tower complex creates a dangerous situation that could endanger human lives. If the cell tower falls, as it could easily get struck by lightning at this elevation, it would create a forest fire risk and lock our community in at the top of a dead-end road.**

**In conclusion,**

**We, for the better part of two decades have created the best for our family and friends by creating a safe and beautiful community at the top of One Eye Creek Road Hill.**

**The perpetrator of this cruel act of indifference to community matters, a business owner and absentee landowner, has contributed nothing to the betterment of this community. He is now instrumental in terrorizing it. We are asking him to revoke his application for rental monies from Verizon.**

**We are not against progress. We are demanding that the 22nd largest company in the United States of America utilize its resources to find a solution that does not inflict the above-mentioned acts of cruelty.**

**We know that you are required by law to process this application. Knowing what you know, we are now asking you, PLEASE to stamp this application D-E-N-I-E-D.**

**Thank you.**

**Respectfully yours,**

**Upper One Eye Creek Road Residents" (underlines added by this writer for April 22, 2016 letter)**



At that same hearing on August 13, 2015, Verizon Wireless representatives, Mark Lobaugh and Engineer Doug came before the commission and gave the following response to our closing entreaties: "...some of the statements are overblown because of emotion and the project has been called inflicting cruelty on the neighborhood.....let's get the emotions out of it."

At this same meeting the planning commission asked that Verizon do a proper alternative site search, because there were untruths in their statements about alternative sites.

In the following days, on August 17, 2015 The Mountain Democrat ran a headline that read, "Terrorizing Cell Tower Put on Hold." The neighborhood felt that we had made our point and that Verizon would use their immense resources to find a solution that was satisfactory to all parties.

During the winter of 2015 and spring of 2016, Verizon proceeded to make plans to move the cell tower down the road, and on Monday, March 28, 2016 the planning commission notified the neighborhood that Verizon was planning to relocate the cell tower so that it now would sit in direct view of another senior citizen's front yard, approximately 250 feet from their front door.

To summarize the situation, we asked Verizon to find a solution that did not terrorize the neighborhood and inflict pain and suffering on it. We asked the landowner to return rental monies to Verizon. These would have been honorable things to do. But their response was to ignore our requests, to "kick the can down the road" and harass more senior citizens.

This is the short history. I would like to address emotions. Emotions and their repercussions are my profession as a licensed mental health professional.

The facts are that we reported to Verizon that we felt terrorized by this cell tower. Perhaps the word terrorized is not understood. This is the Webster's dictionary definition:

"to cause someone to be extremely afraid."

The definition of Emotional Elder Abuse is: "inflicting mental pain, anguish or distress on an elder person through verbal or nonverbal acts, e.g. humiliating, intimidating or threatening." (cited from U.S. Department of Health and Human Services Administration on Aging). Definitions and references can also be found in the California Welfare and Institutions Code Section 15610 and the California Penal Code Section 368.

I identify this as emotional abuse:

We asked Verizon and landowner to stand down due to distress, and they did nothing of the sort. Verizon and landowner have been unwilling to respond to our wishes to remove plans for the proposed cell tower in our residential neighborhood, and now the cell tower is planned 250 feet from a senior citizen resident's front door.

The active planning process for this proposed cell tower has caused this senior to seek medical attention due to symptoms of anxiety, depression, and sleeplessness. Attached is a brief summary of the situation:

- This senior, in whose front yard the cell tower would now sit, is 77 year-old retiree with a disabled husband, who is dependent on the care of his wife
- 100% of this senior's family lives on this hill – 3 sons, a brother, and daughter-in-law.
- This senior has had disabling migraines, nausea, vomiting, diarrhea, sleeplessness, confusion, distractibility, loss of interest in previously enjoyed activities, and other symptoms directly due to the machinations of this proposed cell tower project
- This senior has tried to handle these symptoms on her own, but finally turned to her physician for help.
- This senior now has documented diagnoses as a direct result of this proposed cell tower project.
- This senior is now taking medications to help manage her distress.

This senior citizen is in crisis, and this proposed tower affects her immediate family and inhibits her caregiving capacity. It is a serious matter to which attention must be paid. Is intentional infliction of emotional distress something that you might want to run by your legal department?

We are confident that:

- the 22<sup>rd</sup> largest corporation in the United States will find a way of providing cell tower service in a rural area surrounded by 780,000 acres of national forest, than to intimidate and cause mental pain, anguish and distress for a whole family and residential neighborhood
- the absentee landowner will return rental monies to Verizon and cancel their contract

Finally, if this is an issue akin to eminent domain, and this is the only site that would serve the communications industry in this huge swath of land, then we will ask Verizon to take proper steps to reimburse the owners of these properties for emotional suffering and loss of property values.

Thank you for your time and consideration.

Sincerely,

Kaiva Dahrian, M.S., L.M.F.T.

Cc:

Lowell C. McAdam, CEO and Chairman of the Board, Verizon  
John G. Stratton, Executive Vice President, Verizon  
Media



#41

LAW OFFICE OF  
JOHN R. OLSON

530-622-6872 telephone  
530-622-4445 facsimile  
john@johnolsonlaw.com

THE JUDGE THOMPSON HOUSE  
3062 Cedar Ravine Road, Suite B  
Placerville, California 95667

June 6, 2016

Board of Supervisors  
County of El Dorado  
330 Fair Lane  
Placerville, CA 95667

**LATE DISTRIBUTION**

**DATE**

6/6/16  
6/7/16

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY  
2016 JUN -6 PM 3:19

Re: June 7, 2016 - Agenda Item 41-15-0881  
Appeal of Planning Commission Cell Tower  
One Eye Creek Road - APN 85-010-06-100

Honorable Board:

My clients, certain residents on One Eye Creek Road who have appealed the approval of the above cell tower project, have asked me to submit this letter to your Board for consideration. I will not address the numerous issues to be raised at the meeting on June 7 by the appellants but limit this communication to one issue that seems of paramount importance.

The Department of Transportation, in its Conditions of Approval #04-0048, provides numerous conditions relating to the status and use of One Eye Creek Road. Implicit, but unmentioned, is the condition that the applicant has a right to use this private road. The appellants believe he does not, or at the very least, has a limited prescriptive right which would preclude the uses contemplated in this project. My clients have retained the services of a title examiner who is expert in researching title for the existence of easements. His careful study has shown that the parcel in question has no deeded access over One Eye Creek Road. A copy of the summary of his report is attached hereto for your review. The most that could be claimed is some right based on historical usage which is limited to that use and cannot be expanded to accommodate the uses contemplated by this project without the consent of the owners who do hold those easement rights. For example, how can applicant make a valid offer of dedication over a road where he does not have deeded rights? How can he purport to affect the easement rights of owners who do have those deeded rights? Those property owners who are the appellants, do object to the proposed usage and will, if necessary, assert their rights in a court of law.

Though we believe the appeal should be granted on many grounds, it would seem that with this critical element missing, a decision on the overall project should be delayed until a resolution is reached between the various property owners, either through negotiation or court ruling. At the very least, if your Board is intent on going forward with an approval, the additional condition of full and complete legal access sufficient to accommodate this project should be included.



Board of Supervisors

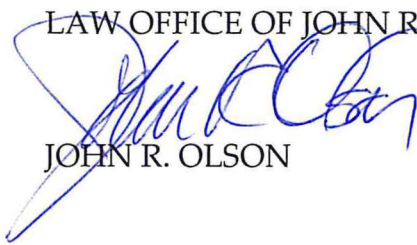
June 6, 2016

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Thank you for your consideration and if you have questions, please do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF JOHN R. OLSON



JOHN R. OLSON

JRO/ljb

Encs.

cc: Client

**R R TITLE AND TYPING SERVICE**

**490 MAIN ST. SUITE B**

**PLACERVILLE, CA 95667**

PHONE: 530 295-1459

FAX: 530 295-1460


SEPTEMBER 11, 2015

MARILYN DESMOND  
3188 ONE EYE CREEK ROAD  
PLACERVILLE, CA 95667

DEAR MRS. DESMOND

I HAVE COMPLETED A CHAIN OF TITLE ON YOUR PARCELS AND THE RUMSEY PARCEL LOOKING TO SEE WHO HAS DEEDED RIGHTS TO USE ONE EYE CREEK ROAD. ALL OF THE OWNERS IN SECTIONS 14 AND 15, T11N R11E, THAT FRONT ON ONE EYE CREEK ROAD, HAVE DEEDED ACCESS RIGHTS BY DEED RECORDED IN BOOK 928 PAGE 730 OFFICIAL RECORDS. ONE OF THE OWNERS IN SECTION 10 LYING NORTH OF YOU HAS PHYSICAL ACCESS OVER A ROAD KNOWN AS BLAZE GULCH ROAD WHICH RUNS THROUGH THE MIDDLE OF THE RUMSEY PARCEL AND STARTS ACROSS THE STREET FROM YOUR MOTHERS PARCEL. I COULD NOT FIND ANY DEEDED RIGHTS OF ACCESS FOR THIS ROAD. THE TWO OWNERS SMELSER AND FLOYD HAVE PHYSICAL ACCESS TO THEIR HOMES LYING NORTH OF ONE EYE CREEK ROAD. BOTH HOMES HAVE COUNTY ASSIGNED ADDRESSES. NONE OF THE ABOVE PARTIES INCLUDING RUMSEY HAVE DEEDED ACCESS RIGHTS TO OR FROM ONE EYE CREEK ROAD. DALLOSTA THE OWNER OF THE PARCEL LYING NORTH OF RUMSEY HAS A DEEDED FOREST SERVICE ROAD RUNNING EAST AND WEST THROUGH THE MIDDLE OF HIS PROPERTY. THIS ROAD TIES IN WITH OTHER FOREST SERVICE ROADS CREATED IN THE LATE 1930'S. AT THAT TIME THIS ROAD WAS PART OF THE DROZIER LOOP ROAD. ALL RIGHTS OF THE ABOVE OWNERS IN ONE EYE CREEK ROAD SEEM TO BE BY USAGE ONLY. IF YOU HAVE ANY QUESTIONS, PLEASE GIVE ME A CALL.

YOURS TRULY

  
RON REIS