

FROM THE PLANNING COMMISSION MINUTES OF MAY 13, 2010

8. SPECIAL USE PERMIT

a. S09-0015/SBA Cellular Telecommunications Facility-Garden Valley submitted by SBA TOWERS, INC. (Agent: Gary Mapa/Site Acquisition Resultants, Inc.) to allow the construction of a wireless telecommunications facility to include a 100-foot tall monopine tower with 12 antennas at the 98-foot level and ground support equipment to be located in a 60-foot by 90-foot fenced lease area. The property, identified by Assessor's Parcel Number 088-420-06, consisting of 5.033 acres, is located on the south side of Sagebrush Road, approximately 500 feet west of the intersection with Mt. Murphy Road, in the Garden Valley area, Supervisorial District IV. [*Project Planner: Tom Dougherty*] (Mitigated negative declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He stated that the primary concerns were noise and aesthetics.

Gary Mapa/applicant's agent said that the tower would represent a Foothill Pine tree, be color-matched to the other surrounding trees and the branches would be positioned to eliminate a lollipop effect. He indicated that the submitted Staff Report was accurate.

In response to Chair Rain's inquiry if the branches could be placed in an unsymmetrical pattern, Mr. Mapa stated that he did not foresee any issues in designing the tower with that in mind.

Paul Albritton, Counsel for SBA, stated that the pine cell towers are very expensive and well designed. He summarized the contents in his letter dated May 11, 2010 regarding the federal law and what could and could not be used for denial of this project.

Jeff Burch, adjacent neighbor, said the majority of the neighbors were opposed to this project and since the property owner never contacted them in advance, they now find themselves in the position of fighting this project in this type of setting. He indicated that the tower would be visible from his property and his family would be subjected to the constant noise from the equipment. Mr. Burch said that he conducted two site visits at other cell towers and found the noise level from the equipment to be unacceptable. He felt that the neighbors would be negatively impacted by this project while the owner financially benefited.

Debra Burch, adjacent neighbor, felt that her viewscape and quality of life is important and that the property owner and SBA had no concern on the negative impacts to the neighborhood.

Carol Galvin, neighbor, indicated neither the property owner nor SBA ever contacted the neighbors regarding this project. She felt that the 100 foot cell tower tree would stick out since the other surrounding trees are not even close to that height. Ms. Galvin also voiced the following concerns: (1) Noise impact; and (2) Potential health risks due to close proximity. She encouraged the Commission to deny the request.

Richard Smith, Garden Valley resident and Verizon customer, indicated that he was very interested in obtaining cell service at his home but perhaps the cell tower was being proposed for the wrong location as he questioned whether or not the frequency waves would actually be able to reach Garden Valley due to the cell tower height and the surrounding terrain.

Sandy Mancusco lives at one of the identified alternative sites and felt her site would be less intrusive than the current selected site.

Mr. Albritton provided a rebuttal to audience concerns regarding noise, health issues, scenic views, and traffic/asbestos issues.

Doug Picard, applicant's engineer, agreed with Mr. Smith's comments that radio frequency waves are primarily "line of sight" and terrain-limited, but there were also height limitations since a cell tower located too high would cause other complications. He indicated that the proposed site had desirable attributes and obtained the preferred coverage area, whereas the Mancusco site had some disadvantages.

Significant discussion ensued between Mr. Picard and the Commission in regards to alternative site issues, State park's stance on cell tower visibility, necessity/driving force for that particular coverage area, federal law guidelines, and whisper equipment.

In response to Commissioner Pratt's inquiry, County Counsel Paul Frantz stated that the Commission had areas of discretion that have been curtailed by Federal law for this particular type of project and that the Commission can still review the compatibility, aesthetics and noise of the project. However, if this project was approved, then it would be treated similar to other Special Use Permits in that if the terms were violated, a revocation hearing could occur.

Commissioner Pratt was in agreement with Chair Rain's earlier comment on utilizing whisper units to minimize the noise impact. He felt that the submitted noise study appeared to be an analysis on the equipment and not specifically on the proposed site, and, therefore, more noise mitigation was needed. Mr. Picard suggested that the Commission add a condition that requires a post-installation acoustic analysis.

Commissioner Mathews stated his issues with the project were visibility and noise. He understood that the valley needs coverage but it was important to weigh the needs of the neighbors vs the needs of the service in the valley. Commissioner Mathews was not satisfied that the proposed location was the best location but valid points had been made by the applicant as to why that site was chosen over the alternative sites.

Chair Rain agreed that the proposed site was "do-able" although, optimally, he would have preferred the Mancusco site location.

Commissioner Heflin voiced concern on the tree branches being symmetrical and wanted to mitigate the noise by requiring damper kits. He stated that it would be difficult to select a location that was agreeable by everyone involved.

In response to Commissioner Pratt's concern of dust mitigation, it was stated that Condition #20 currently addressed it.

Staff read into the record proposed language to amend Condition #2 regarding noise mitigation and stated that they would amend Condition #5 to address the symmetry issue regarding the tree branches.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-1), to take the following actions: 1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as presented; and 3. Approve Special Use Permit S09-0015 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #2 with language provided; and (b) Amend Condition #5 to require asymmetry in the tree branches.

AYES: Heflin, Tolhurst, Rain, Pratt

NOES: Mathews

This action can be appealed to the Board of Supervisors within ten (10) working days.