

## FROM THE PLANNING COMMISSION MINUTES OF JANUARY 22, 2015

### AGENDA ITEMS

**6. 15-0045** Hearing to consider a request to allow the construction and operation of a wireless telecommunication facility [Special Use Permit S14-0007/Verizon Wireless Telecommunications Facility-Missouri Flat]\* on property identified by Assessor's Parcel Number 327-213-34, consisting of 12.42 acres, in the Diamond Springs area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S14-0007 based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 3)

Mel Pabalinas presented the item to the Commission with a recommendation for approval. He identified a typo in the first paragraph on page 5 of the Staff Report that should indicate the location at the northeast corner instead of northwest. Mr. Pabalinas also clarified the required distance from the facility to the school.

Mark Lobaugh, applicant's agent, made the following comments:

- Staff had requested that an oak tree be used for the tower, which, although is a first for them in this County, they will do their best to work with staff to ensure it blends in;
- A lot of time and effort had been done in the siting of this facility and it is located in a thick vegetation area;
- The fence materials used will blend in with the environment;
- They will be improving the existing road;
- They responded to the school district's inquiries;
- Hired an independent outside consultant to conduct a radio frequencies analysis;
- The enclosure is a pre-cast concrete structure and would be painted a mottled-looking brown, with only down-tilted security lighting;
- Spoke on coverage vs capacity and that this project would primarily address capacity; and
- This was also an off-loading issue for the network in that area and this site is in need of additional capacity.

Carol Nordquist made the following comments:

- Spoke on submitted written public comment which identified numerous concerns related to home value, school, senior facility, and not identifying a less intrusive alternative location;
- Long-term health issues from cell towers are not available yet;
- Lived there 42 years and is concerned about the home value;
- Inquired on the need for another cell tower;
- Questioned who monitors the cell tower;

- Spoke on the 1996 Telecom Act and questioned why are we following an Act that is 18 years old without doing any further studies; and
- Requested denial of the project.

John Nordquist requested to see the applicant's responses to the submitted questions and other studies and would like them to be converted so a "lay person" could understand.

Chair Stewart closed public comment.

Mr. Pabalinas informed the Commission that the response to comments were forwarded via email to Mr. Nordquist last week.

Mr. Lobaugh notified the Commission that they had their consultant, Waterford Consultants, in the audience to educate everyone on radio frequencies if so desired by the Commission.

County Counsel David Livingston made the following comments:

- Telecom Act makes it very clear that the Commission can't regulate the location of a cell tower based on the RF emissions;
- The Commission has the authority to regulate based on noise and land use compatibility; and
- Spoke on the County ordinance code regarding co-location of cell towers.

The Commission invited the applicant's consultant to provide a presentation on radio frequencies.

Ian Maxwell from Waterford Consultants, applicant's consultant, conducted a PowerPoint presentation on the radio frequency emissions on the proposed cell tower site.

Chair Stewart re-opened public comment on the presentation.

Carol Nordquist made the following comments:

- There is a German study that is the exact opposite of what was just presented;
- Presentation was helpful and should have been presented to the public;
- Need to find studies showing results after 10-20 years; and
- Location of this tower is a concern for her.

John Nordquist stated that the presentation's information would be helpful to the school. He also said that he would like the opportunity to have more information so they could be more knowledgeable on this project.

Commissioners Heflin and Stewart expressed interest in learning more about the co-location issue as it was not addressed. Mr. Lobaugh responded that analysis of co-locating on existing towers is a normal process conducted by Verizon but since it was not required by the County to submit anything in writing on this, he would need time to present a written document if so

desired. He also spoke on the issue of dropped calls on Missouri Flat Road, which is what this cell tower would help resolve since it is primarily a capacity issue.

Lillian MacLeod also explained that the process would be different if the applicants were proposing to expand an existing cell tower.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Heflin, and carried (3-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S14-0007 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Heflin, Miller, Stewart**

**NOES: None**

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