

File Number: S15-0001-A
Date Received: 5/11/16

Receipt No.: 29873
Amount: \$200.00

APPEAL FORM

(For more information, see Section 130.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Upper One Eye Creek Road Community Loretta Webb
ADDRESS 3230 One Eye Creek Road Placerville, CA 95607
DAYTIME TELEPHONE 530-622-0280

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT John R Olson attorney at law
ADDRESS 3062 Cedar Ravine, Suite B, Placerville, Ca. 95667
DAYTIME TELEPHONE 530-622-6872

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Planning Commission approval of Verizon / Swansboro cell tower S15-0001

See attached:
4 pages Specific Reasons for appeal
1 page authorizing attorney

DATE OF ACTION BEING APPEALED Apr. 28, 2016
May 11, 2016 tu

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Loretta Webb
Signature
For Upper One Eye Creek Road Community

May 11, 2016
Date

May 11, 2016
Eldorado County Planning Commission
Eldorado County Board Of Supervisors.

To whom it may concern,
The residents of Upper One Eye Creek Road Community authorize John R Olson,
Attorney at Law to act in our behalf.

Regards,
Loretta Webb
For the Upper One Eye Creek Road Community.

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May 11, 2016

The residents of Upper One Eye Creek Road Community are appealing the Planning Commission's approval of the proposed Verizon Swansboro Cell Tower S15-0001.

The reasons for our appeal are as follows:

1. Recorded deeded legal access.

Land owner does not have a recorded deeded legal access to One Eye Creek Road. How can a permit for a cell tower be approved when land owner has no authority to give Verizon permission to bring in all the equipment on One Eye Creek Road to build this proposed cell tower?

Re: Planning commission hearing on April 28th. 2016. We could not tell on the audio of the meeting if it was staff or legal counsel that stated they believe that proof of road access has been submitted. Where is this proof?

2. Ordinance 5030.130.40.130. 6B.

In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.

Why was this interpreted in favor of Verizon to be able to build a cell tower within 250 feet of a residential home?

3. Danger/Safety to residents on the upper part of One Eye Creek Rd.

There is plenty of proof that cell towers fall over and collapse, explode and catch fire. They can collapse due to faulty bolts, faulty metal, and lightning (we have witnessed many many dry lightning storms in Mosquito on a regular basis). Towers are grounded, but a bolt of lightning can weaken the metal on the tower. Most fires start at the top of these cell towers and this tower is 109 feet tall. The homes of 2 residents homes are within 250 ft. of this tower. Mosquito has a part-time volunteer fire dept.

<http://www.electronicsilentspring.com/primers/cell-towers-cell-phones/cell-tower-fires-collapsing/>

In addition thieves steal batteries and copper from these towers. One Eye

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Creek Road is a perfect place for this to occur - it is a dark dead-end road far removed from the civilization of Placerville. The location of all cell towers are listed on the internet. Some residents come home from work at 2:00 am and we take our dogs out at night.

<http://www.aglmediagroup.com/move-over-copper-cell-tower-batteries-are-the-hot-item-now-2/>

4. Alternate site analysis.

Verizon was asked by the planning commission to do an alternate site analysis. Please investigate the public comment letter on this. In example, Verizon picked a site near the airport. We think most everyone knows you can't put a tall cell tower near an airport.

The planning commissioners suggested a site in the Eldorado National Forrest as an alternative site. This site is about 200 ft. higher in elevation than original site. It is on top of a hill and there are no homes above this site. Verizon did not look at this as an alternative site. Yet Verizon was not questioned about this at the second planning commission hearing.

The US Forest Service budget for 2016 allows monies for communication faculties on forest lands. This was not questioned by the planning commission. This makes no sense to put a tower near homes when forest land is so near and accessible. One Eye Creek Road is surrounded by ridges that are higher in elevation. There many places this tower could go that would not trap families if a disaster should occur from this cell tower.

5. Aesthetics.

The photos presented by Verizon show that brush would hide this tower and mini-industrial-complex. How much of this brush cover will still be there after all the equipment works around this area. The planned Verizon utility access is right along the edge of One Eye Creek Rd. If you look at this closely you can see that the roots of the brush and manzanita will be disturbed if not destroyed. When you upset roots from manzanita the plant dies as with much of the other brush and vegetation around this tower. The land owner would have to widen the road to 18 ft. with 2ft. shoulders on each side to make his land a legal parcel. This will would cut into the vegetation along the road. This tower is 109ft tall. It will tower over everything in the area. We do not believe moving this tower 20 ft. will make

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it look anything like the photo's presented by Verizon. If this Board considers approval of this proposed tower we believe they should first have Verizon put balloons on a 109 ft. string and on a string the length of the Mini Industrial Complex and take photos.

In addition, referring to the hearing on April 28, 2016, once the planning commission approved the proposed verizon cell tower, the verizon representative told the room, "These people have phone poles. This is just another pole." We take exception that our phone poles are 40 - 50 feet high and 109 feet is "not just another pole."

6. Real Estate Values.

The evidence submitted by our letters shows that real estate values drop by 21 percent after a cell tower is built close to a home. It appears to us after going through the planning commission hearings that this does not matter. Why would this not matter?

7. Health matters of the elders.

One of our senior residents had to seek professional help due to stress from the fear of this cell tower. Why would this not matter?

8. Asbestos study.

Why is an asbestos study not required? The property owner is going to have to tear up the road to widen it to make his property a legal parcel. One senior living across the road has COPD (Chronic Obstructive Pulmonary Disease) and is on oxygen part time. Does this matter?

9. Biological study

The Biological study is flawed. Bald Eagles fly over this area on a regular basis as do the airplanes from the Swansboro Airport. There are Indian Grinding Rocks within ½ mile of the proposed cell tower site. Why do a biological study if it does not matter that it is flawed? The planning commission approved a proposed cell tower in the flight path of Bald Eagles on One Eye Creek Road Hill. Why is this allowed? Bald Eagles are protected. There are some regulations on cell towers for Bald Eagles. We hope you will look into these regulations.

10. Environmental

The frontage road for this proposed tower cuts across a heavily used game

trail for bear, deer and cougars. This would be environmentally detrimental.

We thank you in advance for your attention to these matters.

Sincerely,

Upper One Eye Road Community