

#41

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

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY

5/31/16

2016 MAY 32 AM 10:24

Re: Appeal of Verizon Wireless Application S54-0001 One Eye Creek Road; Appeal the approval of Special Use Permit S15-0001/Swansboro Verizon Cellular Tower by the Planning Commission 4/28/2016. (Please do not follow the new Planning Commission's approval.)

Verizon proposes to violate Chapter 9.38 Trespass Upon Private Property Prohibited, has prepared flawed Alternatives Analyses especially by not adequately considering USDA Forest Service neighboring land, has completed a Cultural Resources Survey Swansboro/Ensite #22971 for a location in Section 15 instead of the cell tower actual site in Section 10, and has not properly considered that the cell tower site is in the El Dorado County Asbestos Review Area and requires addition grading requirements. The Verizon application should provide support of compliance with El Dorado County Codes and the Verizon's own "Methodology" (see attached page A) to identify a location and design that will provide required coverage through the "least intrusive means" based on values expressed by local regulations. Verizon has tried to push through a convenient for them site rather than the best site for the One Eye Creek Road residents, and probably for the citizens of El Dorado County, users of the Forest Service lands, and Verizon/co-locators.

Request the Supervisors delay the S15-0001 Special Use Permit and request Verizon provide and/or correct supporting information, including the alternative analysis of Forest Service with higher elevations to the near East.

Request the Supervisors or Planning Commission, Verizon, and/or the USDA Forest Service meet to consider cell tower locations that best meet their citizen and users needs.

Trespasser Verizon Does Not Have Deeded Access For One Eye Creek Road

Verizon proposes a plan for a cell tower site that they do have legal access to get to from One Eye Creek Road.

- CHAPTER 9.38. - TRESPASS UPON PRIVATE PROPERTY PROHIBITED
- Sec. 9.38.020. - Same—Entry.

No person shall enter upon any private property or business premises without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom.

(Code 1997, § 9.38.020; Ord. No. 4051, § 1(part), 1989)

The trespass has occurred due to inadequate detail management, such as not recognizing the site landowner in Section 10 cannot give Verizon access to One Eye Creek Road. Without access, Verizon has been wasting their time, effort, and planning as well as wasting resources of the County and citizens of El Dorado.

Request the Supervisors delay the S15-0001 Special Use Permit and request that Verizon, for El Dorado citizens, its own, and stockholders protection, provide tower sites that Verizon can actually

LATE DISTRIBUTION

DATE 6/21/16  
BAS 6/7/16



legally get to for building purposes.

Request the deeded users of One Eye Creek Road prevent a Verizon trespasser (see page B) from gaining a legal claim to ownership. One option is locked gates at entry points or across an access that is being used will stop most trespassers.

The public comments have provided legal deeds supporting the lack of deeded access from One Eye Creek Road. (The property and site were part of an 1897 homestead that had access off of Rock Creek Road through Forest Service lands to the North. See page C, Exhibit K E 8 of 9 attached.) The public comments received 08-10-15, see page D, for the record, stated Verizon does not have permission to use this private road for any commercial activity. Public comment received 04-04-16 (see page E, discusses easement access, archaeological sites, asbestos, and Forest Service sites.

Verizon Has Prepared A Flawed Alternatives Analyses Especially By Not Adequately Considering USDA Forest Service Neighboring Land

Verizon has prepared flawed cell tower site alternatives analyses. The Prior Planning Commission minutes of August 13, 2015 (see pages F to I) and 4/21/15 Public Comment recap of audio (see pages J to M) letter stated that a legitimate site analysis was needed and that places could be evaluated north and along Rock Creek Road. The new Planning Commission, including one member who visited the Forest Service site, decided to pass and informed the public that an appeal could be made to the Board of Supervisors.

The second flawed Verizon alternatives analysis did not consider the Forest Service land to the east which was proposed by the prior Planning Commission (see page I) and the public (see page N). Verizon thus did not meet their Verizon Wireless Alternatives Analysis III. Methodology (see page A) to identify a location that will provide required coverage through the "least intrusive means", ignored a FS land more feasible access site with power at the parcel edge, (see page O), had a higher elevation which could provide even more coverage including more to Forest Service land to the North, could sustain a higher tower which would allow MORE tower Co-locators, and better trees (see page M) for hiding the cell tower. The Verizon rush for a tower lead to the exclusion of the largest landowner (the USDA Forest Service) from being adequately considered.

A local government's denial of a permit for a wireless facility does NOT violate the "effective prohibition" clause of the Telecommunications Act (TCA) if the wireless provider does not show that the proposed facility is the "least intrusive means" in relation to the land use values embodied in local regulations. See T-Mobile USA, Inc. v. City of Anacortes, 572 F.3d 987 (9<sup>th</sup> Cir 2009); see also T-Mobile West Corp. v. City of Agoura Hills, 2010 U.S. Dist. LEXIS 134329 (C.D. Cal 2010). Verizon trespass is intrusive and must be stopped.

Verizon has not met the requirements for federal preemption, however, to help Verizon provide personal wireless services, we have shown through public comment, that probably another alternative on Forest Service land to the East is available, technically feasible, and less intrusive than the proposed facility. T-Mobile V. Anacortes, 572 F.3d at 998-999.

Staff Analysis of Appeal #4 notes El Dorado County cannot comment on siting of communication towers on property that is outside of our jurisdiction as the Zoning Ordinance is exempt from activities



of the Federal Government on federally owned or leased land.

Can the Supervisors comment?

Request the Supervisors, Verizon, and/or the USDA Forest Service meet to consider mutual interests (not necessarily cell tower locations) that best meet their citizen and users needs.

Request the Supervisors require Verizon to follow the Verizon Wireless Alternatives Analysis III. Methodology (see page A) for El Dorado County. (Verizon may want to include (while they are not doing construction due to the lack of access and their other issues), the FS land (see pages N & O) to the East in a Mosquito/FS/Swansboro Alternatives Analysis. Do a coverage map of the 2800 foot or better locations in the over quarter mile area FS land to the East. (see pages C and E)

Cultural Resources Survey Swansboro/Ensite #22971 for a location in Section 15 instead of the cell tower actual site in Section 10

Verizon Cultural Resources Survey was done for the wrong Section 15 instead of the cell tower location in Section 10. Someone did not notice that the cell tower was located in Section 10 T11N R11E while the Cultural Resources Survey (CRS) cover clearly states Section 15 (see page P). Why this is important is the CRS preparer is to request a records search and they are searching in the wrong Section 15. This could lead to why the cultural resources within 1/2 mile were not noted. The Planning Commission seems to be presented information that down plays the area cultural resources (and Asbestos/soil and easements) and public comments (see page N) are not adequately followed up.

The North Central Information Center (NICC) (in Sacramento) takes the Section information and does a record search by reviewing Office of Historic Preservation records, base maps, historic maps, and literature for El Dorado County, as well the California Historical Resources System (CHRIS). NICC has noted that in this part of El Dorado County, prehistoric-period habitation sites are primarily found adjacent to streams or on ridges or knolls, especially those with southern exposure (Moratto 1984:290). This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan would travel yearly into higher elevations to hunt or gather seasonal plant resources (Wilson and Towne 1978:387-389).

Request the Supervisors require the NICC records search should be expanded to Section 10 and work with the Native Americans as necessary.

Verizon has not properly considered that the cell tower site is in the El Dorado County Asbestos Review Area and requires addition grading requirements

Asbestos is the name for a group of naturally occurring silicate minerals. Asbestos may be found in serpentine, other ultramafic and volcanic rock. When rock containing Naturally Occurring Asbestos (NOA) is broken or crushed, asbestos may become released and become airborne, causing a potential health hazard.

Verizon and the El Dorado Development Services Division (DSD) Project Planner may have not properly covered the asbestos requirements. The Air Quality Management District (AQMD) asbestos parcel lookup should be used for the criteria to follow (see page Q). I do not know why El Dorado

County does not follow the AQMD asbestos criteria. The effect is that Verizon should plan to increase the grading plan needed and probably not planned for. With new road and cell tower related sites, looks like project would have disturbed more than 20 cubic yards of earth.

Air Quality Management

Home > Government > Air Quality Management

*PARCEL: 08501006100*

**Current county records indicate this property is located within the Asbestos Review Area.**

If your project disturbs more than 20 cubic yards of earth, you must comply with AQMD Rule 223-2 Asbestos Hazard Mitigation. Requirements includes Asbestos Dust Mitigation Plan submittal, fugitive dust prevention, speed limits, warning signs, trackout prevention, excavated soil management and post-construction mitigation. An Asbestos Dust Mitigation Plan must be submitted to AQMD along with the applicable fees prior to permit issuance.

If your project disturbs less than 20 cubic yards of earth, you must still comply with the requirements of AQMD Rule 223-2 Asbestos Hazard Mitigation, except for preparing and submitting an Asbestos Dust Mitigation Plan.”

Request the Supervisors have all related documents adjusted to refer to the El Dorado County Asbestos Review Map (see pages R and S) and/or the AQMD Rule 223-2 Asbestos Hazard Mitigation and/or Asbestos Dust Mitigation Plan.

Request the Supervisors consider having El Dorado County employees reintroduced to Asbestos resource training.

Staff Analysis of Appeal #8 notes “According to County records, the project parcel is not within an area known to contain Naturally Occurring Asbestos (NOA). Road improvements are required by Conditional Certificate of Compliance COC04-0048 which conducted a separate CEQA review. All development associated with S15-0001 will take place on the project parcel. The project is required to submit for approval a” 223-1 “Fugitive Dust Mitigation Plan prior to initiation of any grading.”

A different General Plan Consistency Checklist (see pages T and E) shows, when the site parcel number is entered (08501006), that “Current county records indicate this property is located within the Asbestos Review Area”.

The Air Quality Management asbestos parcel lookup shows “Current county records indicate this property is located within the Asbestos Review Area”.

Problems have occurred in El Dorado County because buildings were built in asbestos where there was “no known NOA”. This is why El Dorado County has for over 10 years required the use of the El Dorado County Asbestos Review Area to take additional asbestos precautions. Seems Verizon and others did not get this message.



## Other Considerations

--Staff 5/13/16 Analysis of Appeal could be used as frequently asked questions:

For 1. Staff notes as One Eye Creek Road is a privately maintained road, access will be a civil matter between the property owners who utilize the private road on a daily basis and the cell tower carrier/applicant who may utilize it once or twice a month.

This does not note that Verizon construction would also be a trespass.

Request the deeded users of One Eye Creek Road prevent a Verizon trespasser from gaining a legal claim to ownership. One option is locked gates at entry points or across an access that is being used will stop most trespassers.

--Also for 1. Staff mentions Certificate of Compliance COC#04-0048, which can be found in 4/28/16 conditions of approval page 2 (3E 207). The COC has been mentioned multiple times in the permit process (and a 5/12/2016 Transportation Division letter to the County Surveyor) and has 3 specific conditions regarding signage at the intersection of One Eye Creek Road and Mosquito Road. However, One Eye Creek Road does NOT intersect Mosquito Road. Public comments in 08-10-15 (see page U) have raised this issue, however, the errors have not been addressed. (One Eye Creek runs into Rock Creek Road, which has been a Forest Service road, which runs into Mosquito Road. Guess Mosquito Road location would be the best use of such required signs.)

Request Supervisors have staff formally clarify signage locations needed concerning One Eye Creek Road, Rock Creek Road, and/or Mosquito Road.

--Staff Analysis of Appeal #6 Another affect is the issue of lost real estate value. The public provide study information of more than mere generalized concerns, that there is a drop in real estate near a cell tower. Verizon says to ignore drop in value related to perceived concerns over the health effects of RF emissions. (The local government may not regulate the placement, construction, or modification of wireless communication facilities on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the FCC's regulations concerning such emissions. (47 U.S.C. ~332(c)(7)(B)(iv)). At this point in time, the public has heard cell tower affects and the drop in property values can be attributed to cell towers are ugly, and like advertising bill boards, the public does not want the towers in their views. The people who want to buy on upper One Eye Creek Road do buy for a real view and the loss of property value will be real also.

--The USDA Forest Service (FS) budget demonstrates that the FS has a very active program to work with the public to improve cell/communication activities. Because of the large Forest Service land in El Dorado County, the Planning Commission should suggest cell tower carriers if possible should coordinate with the Forest Service so FS lands should be considered. (for cell towers, including running electricity to FS land sites, especially when private properties are significantly, negatively affected by reduced property values in residential neighborhoods.)

--Photo-simulations can be manipulated to demonstrate how facilities could blend with the surrounding area thereby only showing minimizing visual impacts. The drawing (see page V) demonstrates how photo taking angles can make tree cell towers disappear.



## I. Executive Summary

Verizon Wireless seeks to fill a significant gap in its coverage in the Mosquito area of El Dorado County. Based on a review of alternatives as set forth in the following analysis, Verizon Wireless believes that placing antennas on a wireless tower disguised to resemble a pine tree on a large forested non-residential parcel (the "Proposed Facility") constitutes the least intrusive alternative to provide service to the identified gap based on the values expressed in El Dorado County Ordinance Code (the "Code").

## II. Significant Gap

There is a significant gap in Verizon Wireless coverage in the Mosquito area, including the Swansboro community. Due to distance and intervening topography, existing Verizon Wireless facilities over four miles distant near Highway 50 provide inadequate service to the Mosquito area, and Verizon Wireless must place a new facility in the vicinity of the Proposed Facility to provide service coverage for residents, visitors and emergency communications. The identified "significant gap" in network coverage is more fully described in the *Statement of Verizon Wireless Radio Frequency Engineer Linda Lascano* dated May 26, 2016.

## III. Methodology

Once a significant gap has been determined, Verizon Wireless seeks to identify a location and design that will provide required coverage through the "least intrusive means" based upon the values expressed by local regulations. In addition to seeking the "least intrusive" alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the radio frequency propagation, elevation, grading requirements, height of any existing structures, available electrical and telephone utilities, access, available ground space, zoning and other critical factors such as a willing landlord in completing its site analysis.

The Code encourages façade- and roof-mounted facilities and collocation on existing structures or wireless towers. Code §130.40.130(A)(1)(a). The Development Services Director may issue an administrative permit for façade-mounted wireless facilities meeting certain standards as well as roof-mounted facilities meeting certain standards in commercial, industrial and research and development districts. Code §§130.40.130(B)(2), 130.40.130(B)(3). The Zoning Administrator may issue a minor use permit for collocations on existing wireless facilities meeting certain standards, collocations on non-building structures or public facilities such as water tanks meeting certain standards, and new towers and monopoles in commercial, industrial and research and development zones provided they are not located adjacent to state or scenic highways or within 500 feet of residential zones. Code §§130.40.130(B)(4), 130.40.130(B)(5), 130.40.130(B)(6)(a). All other wireless facilities, including new wireless towers and monopoles outside commercial, industrial and research development zones or within 500 feet of residential zones, are allowed with a use permit issued by the Planning Commission. Code §§130.40.130(B)(6)(b), 130.40.130(B)(7). All wireless facilities must be screened with vegetation, and the Code encourages facilities disguised as features that blend with surroundings such as trees. Code §130.40.130(D)(1).





JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR  
COUNTY OF EL DORADO  
STATE OF CALIFORNIA

Date: \_\_\_\_\_

To: The El Dorado County Sheriff's Office

From: \_\_\_\_\_ - Authority to act as Agent

Re: Any & all crimes; \_\_\_\_\_ ie: Trespassing, shooting,  
hunting, (address and APN) \_\_\_\_\_

\_\_\_\_\_

**Location of Property:** (Location/property, i.e. rural, undeveloped, single family residence. Also describe access points, such as dirt or paved roads leading onto the property or any trails, gate codes, dogs and other animals.)

\_\_\_\_\_

**Owner(s) and Contact Information:**

- 1) \_\_\_\_\_  
Name, address, and two (2) phone numbers
- 2) \_\_\_\_\_  
Name, address, and two (2) phone numbers
- 3) \_\_\_\_\_  
Name, address, and two (2) phone numbers
- 4) \_\_\_\_\_  
Name, address, and two (2) phone numbers

No one is authorized to access or go on this property except for:

\_\_\_\_\_

I authorize the El Dorado County Sheriff's Office to act as my agent in pursuing and prosecuting any unauthorized persons. Gate combo or other info as needed for law enforcement access.

\_\_\_\_\_  
Name Date Signature

Note: Per Penal Code Section 602 subsection (o) this authorization must be renewed every six months. This authorization will expire six months from today.

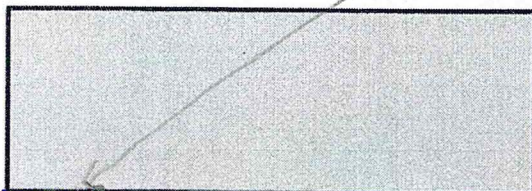
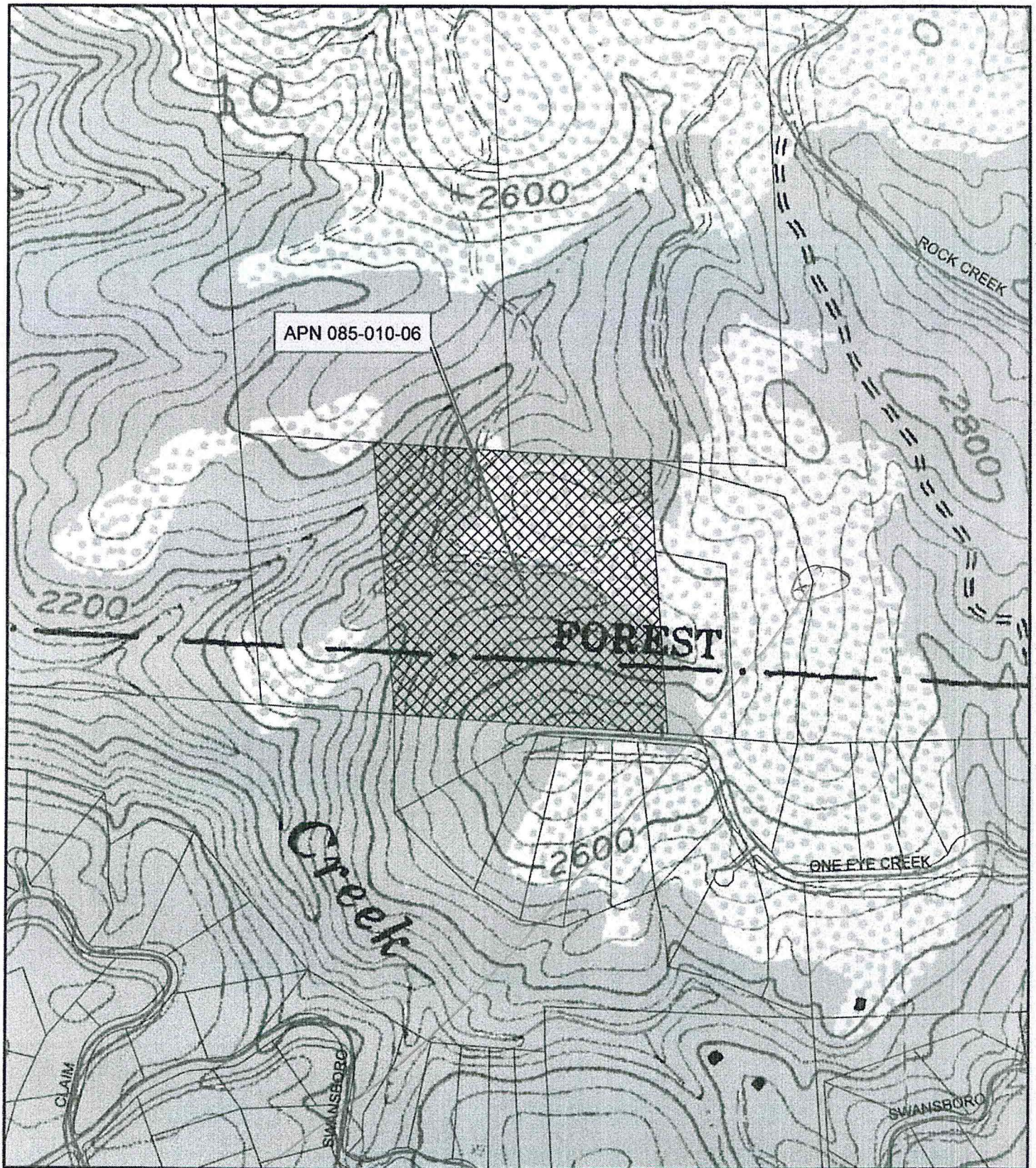
**"Serving El Dorado County Since 1850"**  
HEADQUARTERS- 300 FAIR LANE, PLACERVILLE, CA 95667  
JAIL DIVISION- 300 FORNI ROAD, PLACERVILLE, CA 95667  
TAHOE JAIL- 1051 AL TAHOE BLVD., SOUTH LAKE TAHOE, CA 96150  
TAHOE PATROL- 1360 JOHNSON BLVD., SUITE 100, SOUTH LAKE TAHOE, CA 96150

To page 2





# Attachment 1:USGS Quad



To page F



S15-0001 Swansboro Verizon Tower  
Prepared By Aaron Mount

0 0.05 0.1 0.2 Miles

Note: House has power next to FS land  
FS land access off Rock Creek Road

Exhibit K Negative Declaration

15-0881 E 8 of 9

To page 2





# Verizon denied access to private road

tower. This tower will most likely have lights on top. This will further our distress. One of the reasons for moving here is the beautiful night sky. Some nights it seems as though you could just reach out and touch the stars. We moved out of the city to get away from this. We see many planes fly right over the area of this proposed tower. In fact almost every evening between 5pm and 6pm a white plane flies over the area. We are outdoor people and spend a lot of time outside so we notice these things.

It is our understanding that you can't fight building of a cell tower for health reasons as the government says they are safe. However we do not believe the government studies that towers are safe. It is our right not to believe this. We believe the independent studies and the studies in other countries that say these towers cause cancer, tumors, leukemia, etc. that show up later in life. We are worried and stressed about our health and safety of our lives.

We are very respectful of the Indian Culture in the area. We all know that not everyone is honest and above board. While most are honest it is still dependent on who does the digging for this project whether they will report finding remains or artifacts. Without a professional in this field to oversee the digging on for this proposed tower how can we be sure it will be reported if remains or artifacts are found. After all This area is rich in Indian culture. There are grinding rocks in close proximity.

For the record, Verizon does not have our permission to use this private road for any commercial activity.

Respectfully,  
Loretta Webb for,

- 3170 One Eye Creek Rd. Mosquito CA.
- 3180 One Eye Creek Rd Mosquito, CA.
- 3188 One Eye Creek Rd. Mosquito, CA.
- 3204 One Eye Creek Rd. Mosquito, CA.
- 3218 One Eye Creek Rd. Mosquito, CA.
- 3230 One Eye Creek Rd. Mosquito, CA.
- Parcel #085-070-20-100 Mosquito, CA.
- Upper One Eye Creek Road association

CC: Mountain Democrat  
Sacramento Bee  
KCRA Channel 3  
KXTV Channel 10  
KQVR Channel 13  
KMAX Channel 31

probation that cannot be easily increased upon re-arrest  
and monitoring that probationers are required to wear some kind of monitoring device that will allow the state to track their movements and location at all times. The state has the right to monitor the movements of probationers and to require them to wear a monitoring device. The state has the right to monitor the movements of probationers and to require them to wear a monitoring device.

(to page 2)



PC 4/28/16  
#2  
6 pages

S15-0001 Swansboro Verizon Tower

To: Roger Trout, Executive Secretary, Planning Commission  
✓To: Aaron Mount, Project Planner

16 APR -4 AM 11:29

RECEIVED  
PLANNING DEPARTMENT

County of El Dorado Community Development Agency  
Development Services Division-Planning Services  
2850 Fairlane Court  
Placerville, CA 95667

I would ask that the related S15-0001 Initial Study/Environmental Checklist Form address and consider:

1-Page 4 paragraph 3, "There are no known registered archaeological sites within a half-mile radius of the site."

The adjacent parcel 085-010-18 has a Forest Service archaeological resource site 05-03-53-33 which is within one-half mile of the site parcel 085-010-06.

(The residents of One Eye Creek Road seemed to know of cultural resources.)

2-Page 1 last paragraph, "The site would be accessed by a proposed access driveway that encroaches onto One Eye Creek Road, which is a privately maintained road." Also, the Verizon revised site plan 2016, sheet C-1, states "NO EASEMENTS WERE RESEARCHED".

Easement access support should be provided. In this case, the parcel 085-010-06 does not have a recorded grant deed easement to One Eye Creek Road. The -06 parcel is in Section 10 and the One Eye Creek Road, going to the South, is in Section 15. Section 10 parcels have recorded Grant Deeds with access going to the North (see examples for -05, prior owner Isaccson and -08/-24, prior owner Lincoln and map) and not from One Eye Creek Road.

It is a good idea for a cell tower to get approved legal, recorded road access before ground work.

3-Page 3 last paragraph (grading) and page 4 paragraph 5 (soils) totally ignores asbestos. Entering the 085-010-06 parcel number in the County system General Plan Consistency Checklist (see attached), shows that current county records indicate this property is located within the Asbestos Review Area. Even though there are Mariposa soils, asbestos could have migrated to the site. With the attention the County has received concerning asbestos, the studies to the Planning Commission should include Asbestos Review Area discussion.

I would ask the Planning Commission address the Revised 2/5/16 Project Support Statement for the Verizon Site "Swansboro". The new sites considered were to far away or at the end of an airport runway. Would the Commission ask for a new site to be considered? The site is on Forest Service land (elevation 2600 to 2800+) and within 2,000 feet of the new site (see map). This site would have less negative effects on the local residents, maybe even better reception (versus the proposed 2,660 feet site), and power/access is still close by.

Thank you.

To pages 2 <sup>up to</sup> T (E)



## FROM THE PLANNING COMMISSION MINUTES OF AUGUST 13, 2015

### AGENDA ITEMS

5. **15-0881** Hearing to consider the Swansboro Verizon Wireless Cellular Tower (Mono-Pine) project [Special Use Permit S15-0001]\* to allow the construction of a wireless telecommunication facility on property identified by Assessor's Parcel Number 085-010-06, consisting of 39.75 acres, in the Mosquito/Swansboro area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
- 2) Approve Special Use Permit S15-0001 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation of approval. He referenced the public comments received.

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

- Provided history on project;
- Location is an under-served area;
- Aware of the letters of opposition but project has also received public support;
- Proposed site is close to road because there is a ridge and that site provided them screening ability;
- ① • Topography played a significant role in the proposed location as it is the flattest area before it dramatically drops off;
- Would be agreeable to moving the site back by 5 feet; and
- ② • Nearby National Forest/BLM land is inaccessible and there is no power nearby.

Anthony Webb, resident, made the following comments:

- Lives above the project site and has been there since 1995;
- Requested the Commission reconsider this Special Use Permit;
- It's very quiet out there and sound travels very far;
- Proposed tower would be 300 feet from his home and cause an obstruction of his views;
- Tower is 25 feet from the road and if lightning struck it, it would fall across the road that he and the other residents would need to access in order to escape any fire danger;
- Property owner of proposed site won't be affected because it's vacant land; and
- Neighbors do the upkeep on the private, graveled road that is accessed by 12 homes.

Joyce Rademacher made the following comments:

- Country graveled road is used only by the residents;
- No industrial-type trucks go on that road;
- Industrial business is being brought to a quiet residential area where it is not welcomed;
- This has caused stress to the residents;
- Tower will not blend into the environment;

① Public Comments 04-25-16 shows #4, a better site on Forest Service land. (4/21/15 letter pages m+k) (FS)

② FS land has road that could provide access (E 8009) Power on parcel west of FS land (Alternative site #3). Pages ⑥+⑦ (F)



- 3/
- Needs to be moved back and applicant should help maintain the road;
  - Signs (i.e., stop sign, "not a county maintained road) have been put up in the wrong locations;
  - Resistant to construction of any building next to the road;
  - Will ruin aesthetics for at least 3 families that live next to the proposed site;
  - Poorly chosen location;
  - This winter may be an El Nino and the road will be impacted, so it should be paved by the applicant;
  - This is a dead-end road and lightning will be attracted to the tower and residents that live near the top of the hill will be in trouble in an emergency situation;
  - Industrial effects, including health concerns, is an issue; and
  - Residents will suffer so a property owner can make lots of money.

Don Wagner, resident, made the following comments:

- Bought property 1 ½ years ago;
- Proposed site location should be moved farther up the mountain;
- This will affect his property value as he is so close to the tower;
- His grandchildren are not allowed to stay at his house for very long periods due to the parents' concerns on potential health issues; and
- Requested the Commission do a site visit.

Marty Desmond, resident, made the following comments:

- Agreed with all of the previous speakers' comments;
- The property owner of the proposed site owns the entire 40 acres, yet the tower is being proposed next to the road because that location is more convenient for the applicant;
- Better for the community if the location is moved;
- The local fire response team is a volunteer fire department;
- There are no water facilities for fire danger proposed for the project;
- Will attract crime due to the copper components;
- Property values will decrease;
- Large generators will be holding significant amounts of diesel on-site; and
- Noise issues.

Rich Wanner, resident, made the following comments:

- Proposed location is next to a road and across from a house;
- Agreed with all of the previous speakers' comments;
- Respects other neighbors and this is a tight knit community that is fighting this proposed tower;
- Quality of life will be intruded by this tower;
- This is an easy, quick, and cheap spot for the applicants to place the tower;
- Requested the Commission do a site visit; and
- Asked the Commission to deny the project.

Loretta Webb, resident, made the following comments:

3/ Certificate of Compliance 04-0048 ERROR

Intersection of  
One Eye Creek / Mosquito Roads

(G)



- Not against progress but against the location of this project;
- Last year the neighborhood was evacuated due to the King Fire;
- Strangers would be using the private road;
- Voiced concern on potential fire dangers;
- This has caused extreme stress to her and she is now on prescription medication to help her cope; and
- Requested the Commission deny the project.

Kaiva Darrian, absentee property owner, distributed her statement and read it into the record. She also stated that they have created a road association.

Sue Taylor suggested continuing the item so the applicant could work with the neighbors on a new location for the tower.

Chair Stewart closed public comment.

Mr. Lobaugh made the following rebuttal comments:

- Applicant doesn't want to pose any undue stress to the neighbors;
- Met with many of the neighbors regarding the possibility of using their property for a proposed site and is surprised at their opposition now;
- Spoke on lightning concerns;
- Spoke on road issues;
- Stated they would repair any damages done to the road during the construction phase;
- Had explored the possibility of contributing to a road association but none existed;
- Maintenance tech would be using a pick-up truck during the occasional maintenance trips;
- Provided suggestions for noise mitigation and aesthetics;
- Spoke on the signs being a mitigation measures requirement by Transportation and would be required regardless of this proposed project; and
- Agreeable to continuing the item to review if the location could be moved back.

Lillian MacLeod explained the various reviews staff would be required to do if a new location was proposed.

Doug Picard, Verizon Radio Engineer, made the following comments:

- Verizon has provided benefits to the County and is interested in being a good neighbor;
- Some statements have been overblown due to emotions;
- Spoke on the process used to select a location and the search ring used for the area;
- Bald Mountain co-location project is currently in the works but it wouldn't be able to cover this area;
- Doesn't want to cause undue hardship to the neighbors; and
- Can move the tower back but it would have to be taller due to the topography and it still would need to be by power.

(pages 1+2)

(4) Verizon does NOT have legal access to One Eye Creek Road.  
(5) Bald Mountain <sup>(too far away)</sup> in recent Alternative site. Instead, FS land to East should have been in Alternative site as it could cover this area and more area to North. (H)



(6) Commissioner Heflin was disappointed with the submitted Alternative Site Analysis and stated that a legitimate site analysis was needed in order to make the findings for this project.

(6) Commissioner Miller felt that in the interest of the neighbors, the Commission needed to be confident that there wasn't another acceptable location to cover that area.

Commissioner Pratt made the following comments:

- Appreciative of applicant expanding services throughout the County, particularly the rural areas;
- Identified a significant typo in the Staff Report;
- Suggested item be continued off-calendar;
- Suggested reconfiguring the proposed site with outdoor equipment and away from the residents, even if the same parcel was used;
- Alternative Site Analysis needs to have other sites outside of the neighborhood;
- Need to address the road maintenance element;
- Time needs to be provided to the neighbors to allow them to finish creating the road association; and
- Spoke on the coverage map.

Chair Stewart spoke on a water tank being located on the project site and inquired on any needed tower lights for airplane safety.

Mr. Lobaugh suggested a continuance to allow them to look at re-designing the project.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (5-0), to continue the item off-calendar.**

**AYES: Heflin, Shinault, Miller, Pratt, Stewart**

**NOES: None**

(6) Planning Commission found fault with the Alternative Site Analysis (only considered One Eye Creek Road and left off F's land to the East)).



PC 4/28/16  
#2  
8 pages

April 21, 2015

16 APR 25 AM 11:22

RECEIVED  
PLANNING DEPARTMENT

Community Development Agency  
Development Service Division  
County of EL Dorado  
2850 Fairlane Court  
Placerville, CA 95667

Attn: Aaron Mount, Associate Planner  
S15-0001/Swansboro Verizon Cellular Tower

This is in regards to the last hearing on Aug. 13, 2015. This is to clarify some of the conversation at this hearing.

Mark Lobaugh and Steve, Verizon Engineer were allowed to speak after public comment. The public was not allowed to speak after Mark spoke for the second time. We ask this planning commission please take these conversations clarifications into consideration and get clarification on future conversations before you make your decisions.

The numbers on the left side are the approximate minutes into the audio of the hearing on Aug. 13, 2015.

52:19

Planning Commission said: Further North you go you eventually reach National Forest Land. Did you explore National Forest Land? The elevations come back up. Was that one of the sites explored? Is the National Forest open to the sighting? We had this discussion for the Tahoe Tower.

Mark said: It's remote. I've actually been out there. I've hiked far north and it is inaccessible. I believe it's BLM Land. It's a combination of National forest and BLM land. There's no power. There's simply no power to the site. That would be an issue right and the fire marshal has reviewed the site.

~~X~~ NOTE: Mark abruptly changed the conversation.

See exhibit #1, #2, #3, #4. Ridges to the North and Northeast.

(to page 2)

(J)



EXHIBIT 1....FOREST ROAD RUNS PARALLEL TO RIDGE NORTH OF ONE EYE CREEK RD. proposed SITE.

EXHIBIT 2.... Ridge to north of proposed site on One Eye Creek Rd.  
PHOTO TAKEN FROM THE FOREST ROAD IN EXHIBIT #1

EXHIBIT 3....Forest road goes to top of ridge north east of proposed site on One Eye Creek RD.

EXHIBIT 4....Top of hill north east of the proposed site on One Eye Creek Rd

See page M

1:29:34

Mark said: I will point out that I met with a lot of these folks that got up here and they expressed a desire to have the tower on their property, even to the point of having follow up calls saying please come back and review it. Are you sure? Those types of conversations. So I'm a little perturbed by the fact seeing such a flip here.

Of all the people that spoke at the hearing the only person that talked to Mark was Loretta Webb. Loretta answered Mark's letter to find out what this cell tower thing was all about. Mark came out and looked at her property. When she found out what this thing looked like loretta did not want it on her property and she showed him better suited property where it would not be so intrusive. After talking to her neighbors and kin Loretta discovered that not one of the neighbors wanted this tower on their property. At the time Loretta knew nothing about these cell towers. It is Loretta's nature to do research. After doing much research on these towers Loretta was horrified. At that point Loretta knew why her neighbors were so against this cell tower. We live on a dead end road, in a high fire danger area with a lot of dry lightning in the summer time. We are good neighbors and we would not inflict this danger on anyone.

Not wanting this tower near her or her neighbors She called Mark and asked him if a decision was made as to where this tower was going. Mark said no decision was made so we figured that this tower was not going to be built on this hill. We wanted to find out where it was going so we could try to do something about it. Not one of the property owners on One Eye Creek Rd., that have a legal deeded-right-of-way, knew where this tower was going until we saw the land cleared on Mr. Rumsey's Property.



NOTE: Mark said that he met with a lot of the folks that got up and spoke. We want to make this very clear. Loretta Webb is the only person that spoke to or met with Mark Lobaugh until this hearing.

1:30:28

Mark said: In terms of the road. When I first started looking into this I went out and talked to the folks and explored. Asked if there is a road committee? We wanted to address the road issues first of all when we build this site.

Once again Mark never spoke to any of us that live on the upper part of One Eye Creek Rd. about the road. Talking to the other residents we can't find any one that talked to Mark about the road.

1:38:10

The Planning Commission said: Alternative site analysis. I fail to see how this is an alternative site analysis.

1:39:48

Mark asked the Planning Commission: What is the definition of an alternative site analysis?

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 Rd.

NOTE: We did not see this area on the revised alternative site study.

Thank you for letting us get this off our chests. This has upset and stressed all the residents of the upper part of One Eye Creek Rd. as we had to sit and listen to this at the Aug. 13, 2015 hearing and not be able to respond. It is our opinion that this borders on fraudulent conversations to obtain a Special Use Permit.

We are asking that you deny this special Use Permit.

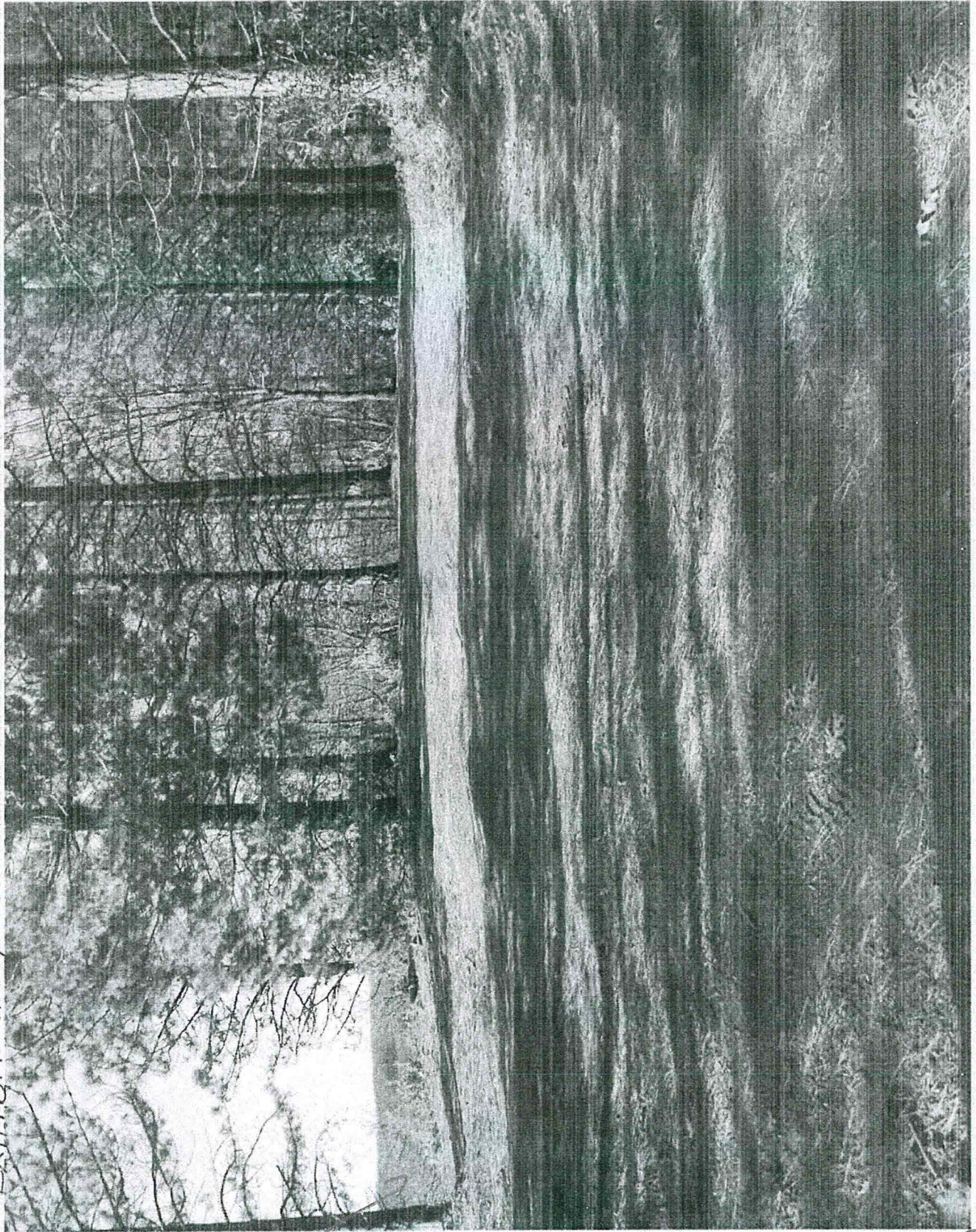
(to page 2)

(L)

(3)



EXHIBIT # 4



Distance  
land so there  
is big drop off

FS land to East

↑ Large flat spot  
and hide cell tower  
TREES

To pages J+K

(M)



To: El Dorado Planning Commissioners  
 2850 Fairlane Court,  
 Placerville, CA., 95667

April, 22, 2016

Subject: S15-0001 Swansboro/Verizon cell tower

Dear Sirs:

Concerning the placement of this cell tower I would like you to consider the following information.

(1) The Biological Assessment done by Foothill Associates states in table one that, for BALD EAGLES, there is no suitable habitat for this species on the project site and no known occurrences within five miles of the site. The fact is that Bald Eagles occur quite regularly not only within five miles but within just one mile of the site. The Mosquito Volunteer Fire Association has a responsibility to monitor the birds at Finnon Lake as part of a mitigation obligation of the Finnon Lake Dam Project. On December 12, 2015 a birding group doing one of these surveys observed a Bald Eagle among the various other birds so this is a recorded observation. In addition to that there are numerous other Sightings and even pictures taken within a one mile radius of the tower site. The most recent ones that I'm aware of are that of one flying over the tower site itself earlier this month and another at Finnon Lake just this week. My point is that Bald Eagles are here and the Biological Assessment for this project is flawed.

(2) If a genuine archaeological study was done it should be noted that there are two registered sites consisting of at least 22 Indian Grinding Mortars along a very sensitive spring fed stream just one third of a mile from the tower site. These are numbers 05-03-53-33 and 05-03-53-34 on file at the National Forest Service Heritage Office at 100 Forni Road in Placerville. To page 3

(3) The National Forest Service authorizes the use of it's land for communication sites such as cell towers to provide communication infrastructure to cities and communities. I'm asking how come Verizon has not explored alternative sites in the National Forest when it's land actually abuts the very parcel where the site is proposed? To page 2

(4) The homes on the south side of One Eye Creek Road are in a residential zoned area and it is my understanding that an El Dorado County ordinance requires a minimum 500 foot setback for cell towers from a residential zone. In that case the tower needs to go North another 300 feet.

In conclusion there are many thing wrong with this project. Incorrect Biological studies, Incomplete Cultural Heritage and resource information, No meaningful search for alternate sites and complete disregard for the disruption of a community. And, these are just a few of the multitude of reasons for the denial of this tower on this completely absurd location.

I appreciate your attention to my letter,

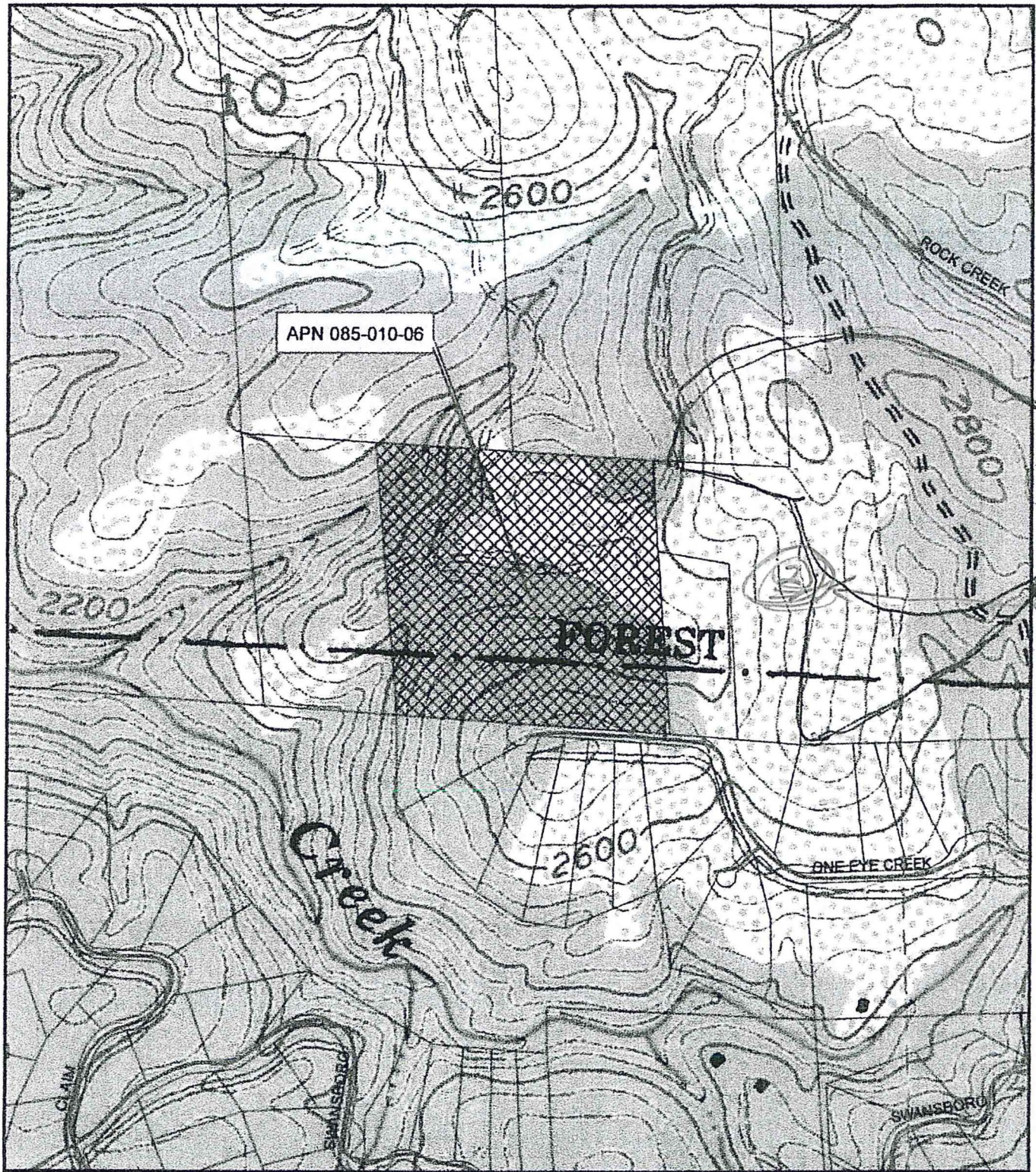
Sincerely,  
 RICH WANNER

To pages 3 + 2

(N)



# Attachment 1: USGS Quad



- ① Reasonable alternative site should be considered.
- ② House with power

To pages D + F





# Cultural Resources Survey

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Swansboro/Ensite #22971 (285387)

One Eye Creek Road  
Placerville, El Dorado County, California 95667  
NE 1/4 NE 1/4 Section 15 T11N R11E

← WRONG  
LOCATION

EBI Project No. 6114009174

Report Date: February 19, 2016



Prepared for:

Verizon Wireless  
VZW-HQ—NEPA Regulatory  
6 Campus Circle, Suite 500  
Westlake TX, 76272

Prepared by: Virginia Clifton



**EBI Consulting**  
environmental | engineering | due diligence

To page 3

(P)



## Air Quality Management

Home > Government > Air Quality Management

**PARCEL: 08501006100**

**Current county records indicate this property is located within the Asbestos Review Area.**

If your project disturbs more than 20 cubic yards of earth, you must comply with AQMD Rule 223-2 Asbestos Hazard Mitigation. Requirements includes Asbestos Dust Mitigation Plan submittal, fugitive dust prevention, speed limits, warning signs, trackout prevention, excavated soil management and post-construction mitigation. An Asbestos Dust Mitigation Plan must be submitted to AQMD along with the applicable fees prior to permit issuance.

If your project disturbs less than 20 cubic yards of earth, you must still comply with the requirements of AQMD Rule 223-2 Asbestos Hazard Mitigation, except for preparing and submitting an Asbestos Dust Mitigation Plan."

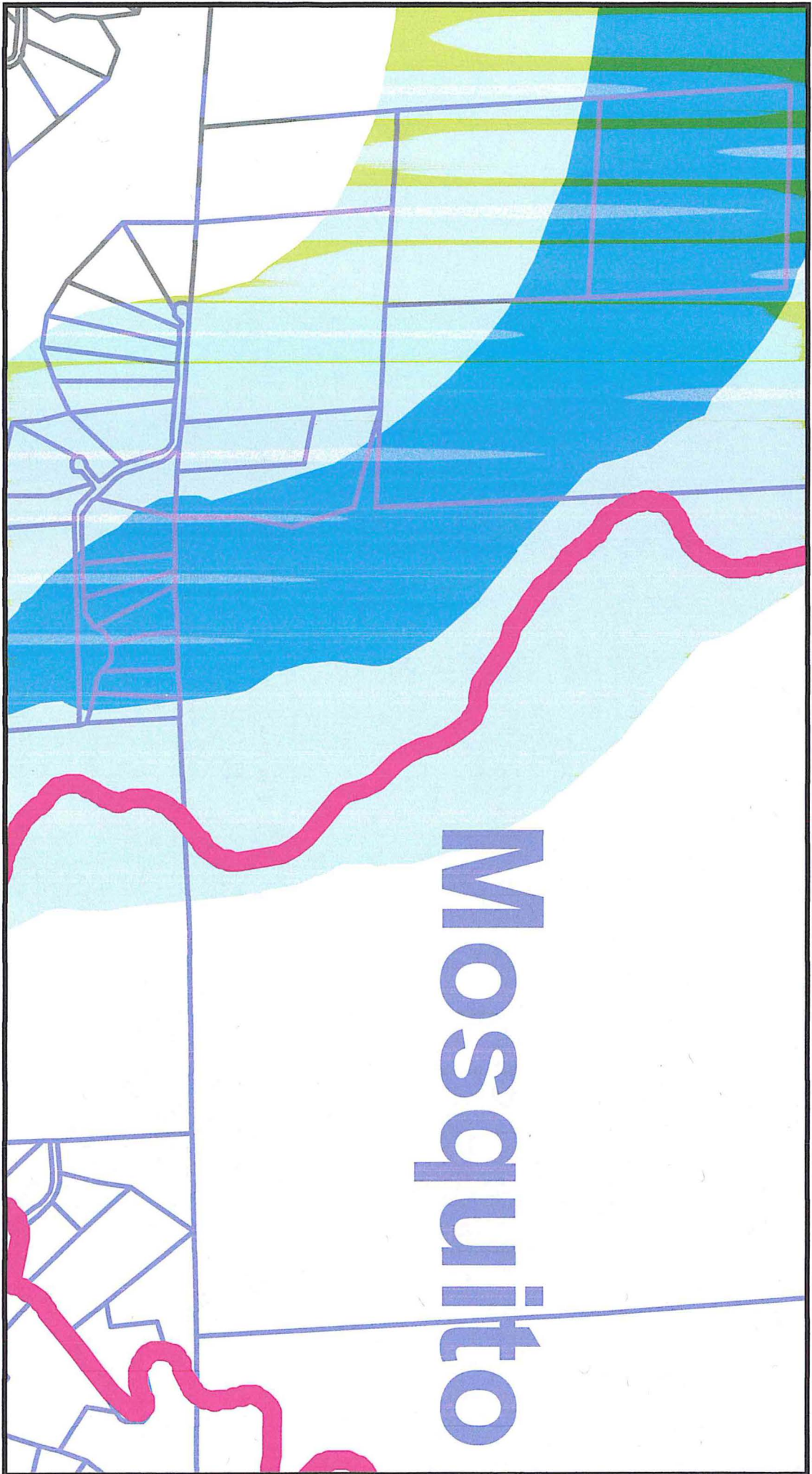
to page 3











To page 4



**PRESERVATION OF CULTURAL RESOURCES****Policies: 7.5.1.6 7.5.2.2 7.5.4.1**

Current County records indicate this project site does not contain features that may indicate the presence of cultural resources.

Do you agree with our findings?

☐ Yes

☐ No Explain \_\_\_\_\_

**ASBESTOS****Policy: 6.3.1.1**

Asbestos Review Area

085-010-06 ← parcel #

Current county records indicate this property is located within the Asbestos Review Area.

If your project includes the disturbance of 20 cubic yards or more of earth you must comply with AQMD Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, which includes an asbestos dust mitigation plan submittal, fugitive dust prevention, speed limits, warning signs, trackout prevention, excavated soil management and post-construction mitigation. This must be submitted to the Air Quality Management District along with the \$340 application plus \$22/disturbed acre fee prior to issuance of your permit.

Alternately you may have a California Professional Geologist inspect your project site and provide the AQMD with a report demonstrating there is no Naturally Occurring Asbestos on the project site. This evaluation must be submitted to the AQMD with a \$453 review fee. The review fee is not required if the evaluation is for an individual single family residence project.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, you must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If you require a County grading permit, you will be required to submit a Fugitive Dust Plan. This must be submitted to the AQMD along with the \$108 application fee prior to issuance of your grading permit.

Do you agree with our findings?

☐ Yes

☐ No Explain \_\_\_\_\_

**CONSERVATION OF WATER RESOURCES****Policies: 7.3.3.4 7.3.3.5 7.3.4.2 7.4.2.5 5.4.1.2**

**Requirement:** General Plan policy requires the following setbacks from water features for all development, including structures, infrastructure, or any ground disturbance, but excluding road and bridge repair or construction, trail construction or any recreational access structure, such as docks and piers; or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project:

Water Feature	Setback Requirement
Perennial Stream or River	100 feet from top of bank
Lake	100 feet from ordinary high water mark
Intermittent Stream	50 feet from top of bank
Wetland	50 feet from outermost edge of hydric soils

**Definitions**

To page 4 and (E)

15-0881 Public Comment



## Intersection signs

From our understanding, cell towers reduce our property values and reduce the buying pool. After all who in their right mind would buy property in a rural setting under or near a cell tower unless they could get it for little or nothing? We have planted fruit trees that are now mature and producing fruit, planted gardens, landscaped, and have done much hard work on our properties that cannot be easily recreated upon re-location.

We believe that it is only fair that if this commission issues this permit it should be under the condition that Verizon buy all the properties/homes listed above at the fair market value before a cell tower is built or permitted, and compensate for this invasion of our lives. We did not bargain for this type of existence. Verizon and all involved should be held responsible.

We request removal of the three new signs on One Eye Creek Road. We were just informed that there was a meeting in 2004 regarding this and the appeal time is over. Not one of us remembers any such letter. We request all documentation on this.

The sign that says "NOT A COUNTY MAINTAINED ROAD" will encourage MOTORCYCLES and ATV riders going into the El-Dorado Forest to drive up our road thinking this must be a great place to ride our bikes it's not county maintained. Most are noisy and they drive fast raising a lot of dust and tear up the road. We know this as once in a while a bike rider or ATV rider come up the road and we have to go out and tell them to slow down. We almost get hit as some of them just laugh at us and flip us off. Now we will have more of this and we don't need it. All the residents that use this road know it is not county maintained. We maintain it. So why the sign?

This stop sign is another blow to us. We never see any Law Enforcement in the area. The only thing this sign accomplishes is to make us all liable if we are hit by another vehicle or logging truck speeding out of the forest on Rock Creek Road. For instance, If a vehicle speeds out of the forest around the bend there is no way we can get on Rock Creek Road without being hit as we would not be able to see the vehicle in time and the speeding vehicle would not be able to stop in time, but now we have a stop that would make it our fault. This situation Threatens the health and safety of human life. SOMEONE NEEDS TO CHECK THIS OUT, THE NEW SIGNS ARE NOT AT THE INTERSECTION OF ONE EYE CREEK RD AND MOSQUITO RD.

The crossroads at Mosquito and Rock Creek Road. coming out of the forest and the cross road at Mosquito and Rock Creek at Dyer lake are paved, with a lot of traffic. There are no stop signs on these roads. Why put one on a gravel road that just a few people use. What is the logic here? Something is backwards. This is just another infringement on our way of life for no reason.

Some of us that live on the above-named properties are under a lot of stress, sick to our stomachs and cannot sleep well due to this proposed cell tower. We are devastated that a mega-corporation can simply come in and destroy our lives.

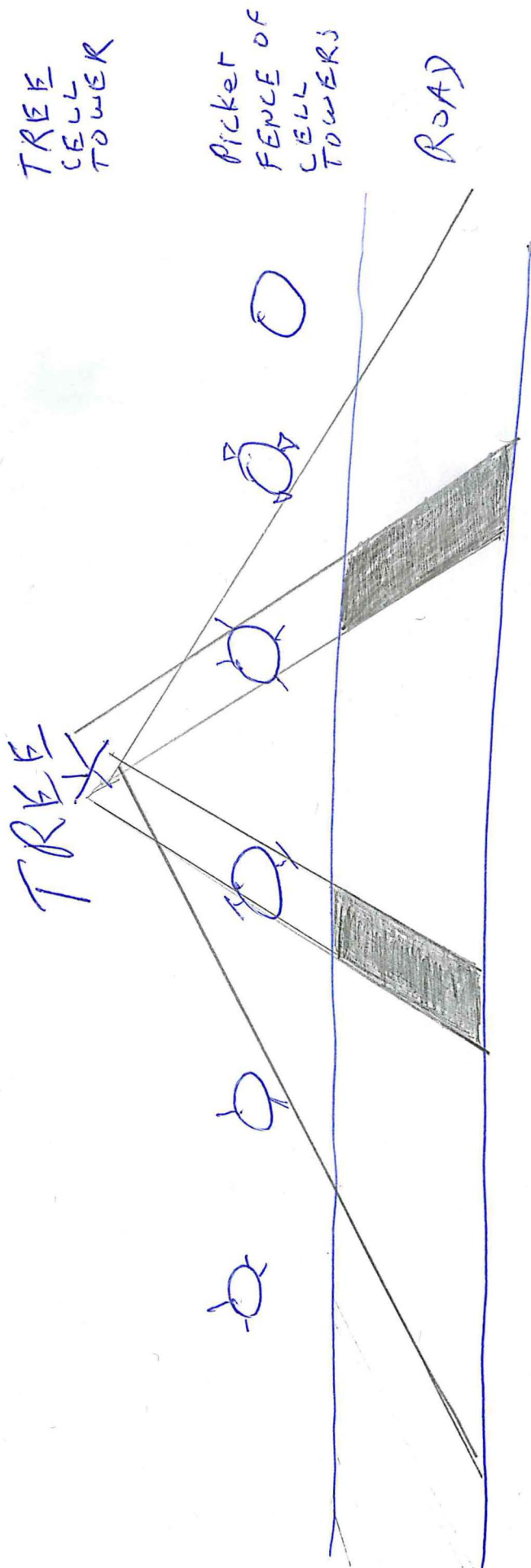
The exhibit page for the HVAC comes up sideways on our computers and we don't understand it. If a large a/c unit is installed It seems it would be noisy and irritating. Sound carries a long way on this hill. We can hear our neighbors talking and understand what they are saying when the atmosphere is just right.

To page 5

4



WHERE TO TAKE PICTURE TO HIDE TREE CELL TOWER



■ = TAKE PICTURE HERE TO HIDE TREE CELL TOWER

□ = MOVE OVER ROAD AND SEE TREE CELL TOWER