

(Related: S17-0016, Site #2)

File Number: CUP-a 18-0005 Receipt No.: 3456
Date Received: 8-9-2018 Amount: \$239

APPEAL FORM

(For more information, see Section 130.52.090 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 Bruce Person, Randy Hellesvig
ADDRESS 4221 Clouds Rest Rd, Placerville, Ca 95667
DAYTIME TELEPHONE 530-409-7460, 530-644-7777

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

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

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.)

Appeal to approval of S17-0016, site 2 Newtown dated July 26, 2018

Failure to follow procedure, previously denied in action on February 8, 2018

Access and setbacks not adequate

Environmental EIR process not thorough

Insufficient notice to appropriate Tribal Cultural Agencies

Insufficient research on co-location opportunity or alternative sites.

Insignificant modifications to site do not address aesthetic concerns

Bundling, sites should have been submitted and reviewed individually

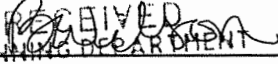
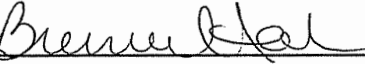
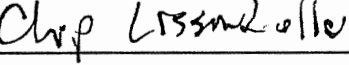
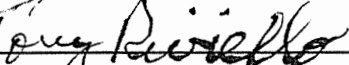
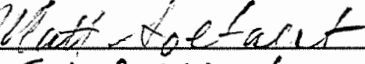
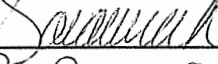


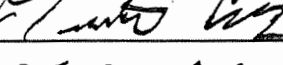
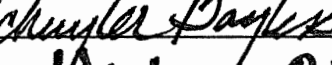
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DATE OF ACTION BEING APPEALED July 26, 2018

Randy Hellesvig Bruce M. Person
Signature Date 8/9/18

Please support our appeal to the Board Of Supervisors about a Cell Tower that AT&T wants to place in an inappropriate location on Historic Snows Ridge In Pleasant Valley
Special Use Permit S17-0016 Newtown Site 2

2018 AUG -9 PM 2:44

Signature 	Printed Name Britini Wilson	Phone # 530 417 448
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Signature 	Printed Name Chp Lissandro	Phone # 208-201-505
Address Box 452 Camino, CA		E-Mail clissandro19@gmail.com
Signature 	Printed Name Tony Rivie	Phone # 330-309-304
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Signature 	Printed Name Matt Soelack	Phone # 916 996 050
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Signature 	Printed Name Savannah Lemon	Phone # 330 545 25
Address PO Box 18051		E-Mail Savannah@miraflorawinery
Signature 	Printed Name Ashlee Cuneo	Phone (#808) 349-1030
Address 582 Canal St Placerville, Ca.		E-Mail ashlee@miraflorawinery.com
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Signature 	Printed Name KRISTON CAREY	Phone #
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Signature 	Printed Name Schuyler Bayless	Phone # 330 391-1314
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Signature	Printed Name	Phone #
Address		E-Mail

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Signature <i>RECEIVED Helen Cary</i>	Printed Name <i>Helen Cary</i>	Phone # <i>644-1818</i>
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Signature <i>Russel Foster</i>	Printed Name <i>Russel Foster</i>	Phone #
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Signature <i>Cindy Ferraro</i>	Printed Name <i>Cindy Ferraro</i>	Phone # <i>409-5699</i>
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Signature <i>KATH HELLGREN</i>	Printed Name <i>KATH HELLGREN</i>	Phone # <i>644 6852</i>
Address <i>P.O. Box 322 PLACERVILLE CA. 95667</i>		E-Mail <i>VJ KING HM 1 (9) NETSCAPE.NET</i>

Signature <i>Marley Hellevig</i>	Printed Name <i>Marley Hellevig</i>	Phone # <i>644 6862</i>
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Signature <i>Janet Telfer</i>	Printed Name <i>Janet Telfer</i>	Phone # <i>916 769-6456</i>
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Signature <i>David Scott Telfer</i>	Printed Name <i>David Scott Telfer</i>	Phone # <i>916 952-2673</i>
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Signature <i>Peter S Gorder</i>	Printed Name <i>PETER S GORDER</i>	Phone # <i>530.409.0584</i>
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Signature <i>Maddie Huang</i>	Printed Name <i>Maddie Huang</i>	Phone # <i>(530) 957-4101</i>
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Signature	Printed Name	Phone #
Address		E-Mail

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Signature <i>[Signature]</i>	Printed Name Haley Cardwell	Phone #
Address <i>PLANNING DEPARTMENT</i>	E-Mail	
Signature <i>[Signature]</i>	Printed Name Damian Butler	Phone # 417-3635
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Signature <i>[Signature]</i>	Printed Name DAVID & Leon	Phone # 530 621 3400
Address 8711 Riverwood Dr	E-Mail	
Signature <i>[Signature]</i>	Printed Name Melissa Fausel	Phone # 530-306-0155
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Signature <i>[Signature]</i>	Printed Name Stephanie Lemon	Phone # 925-895-5880
Address 2055 Terra Serena Dr	E-Mail	
Signature <i>[Signature]</i>	Printed Name Victoria Coleman	Phone # (530) 334-3464
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Signature <i>[Signature]</i>	Printed Name William Edmundo	Phone # 530 387 1468
Address 782 Phillip Ct. Placerville CA	E-Mail	
Signature <i>[Signature]</i>	Printed Name Alex + SAM Stone	Phone # 530.391.8762
Address 490 Jane drive	E-Mail AlexStone124@yahoo.com	
Signature <i>[Signature]</i>	Printed Name Sam Hazelwood	Phone # 707-338-6144
Address 400 Jane Dr. Placerville CA	E-Mail Samantha.hazelwood22@gmail.com	
Signature <i>[Signature]</i>	Printed Name Mikeah Owens	Phone #
Address N/A	E-Mail	
Signature <i>[Signature]</i>	Printed Name Carlin Smith	Phone # 530-344-3631
Address Carlin Smith Empire@gmail.com	E-Mail	

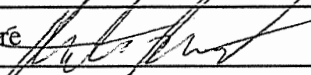
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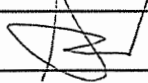
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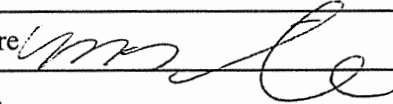
Signature <i>James E. Winters</i>	Printed Name <i>James E. Winters</i>	Phone # <i>530-626-568</i>
Address <i>16170 Dogtown Rd Somerset</i>		E-Mail <i>tjdogtown@hughesnet</i>
Signature <i>Thomas E. Winters</i>	Printed Name <i>Thomas E. Winters</i>	Phone # <i>530-626-568</i>
Address <i>6170 Dogtown Rd Somerset CA</i>		E-Mail
Signature <i>Catherine Pearl</i>	Printed Name <i>Catherine Pearl</i>	Phone #
Address <i>2001 Smith Flat Rd Placerville CA</i>		E-Mail
Signature	Printed Name	Phone #
Address		E-Mail
Signature	Printed Name	Phone #
Address		E-Mail
Signature	Printed Name	Phone #
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Signature 	Printed Name Andrew Pariso	Phone # 916 532 822
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Signature K. Ferguson	Printed Name Kiana Ferguson	Phone # 916 747 5332
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Signature 	Printed Name EMT AGET	Phone # 530 545 53
Address		E-Mail

Signature 	Printed Name Marielle Thoma	Phone # 530 957 445
Address 95826 1 Gatehouse Ct, Sac, CA		E-Mail thomamarielle@gmail.com

Signature	Printed Name	Phone #
Address		E-Mail

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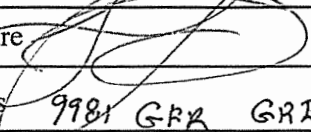
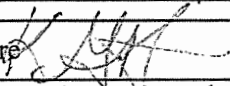
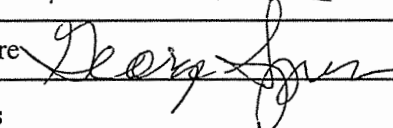
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Special Use Permit S17-0016 Newtown Site 2

Signature 	Printed Name <u>EARL RASBUN</u>	Phone # <u>570.651.1202</u>
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Signature <u>Melinda Myers</u>	Printed Name <u>Melinda Myers</u>	Phone # <u>(530) 391-5443</u>
Address <u>4952 Steelhead Rd Pollock Pines CA 95129</u>		E-Mail
Signature 	Printed Name <u>Kim Griffith</u>	Phone # <u>916 328 4600</u>
Address <u>216 Mt. Auburn</u>		E-Mail <u>griffk@ym</u>
Signature 	Printed Name <u>George Spiggs</u>	Phone # <u>530 642 5501</u>
Address		E-Mail
Signature	Printed Name	Phone #
Address		E-Mail
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Address		E-Mail
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For Appeal Form:

Appeal to approval of S17-0016, site 2 Newtown, July 26, 2018

- Access and setbacks not adequate
- Environmental EIR process not thorough
- Insufficient notice to appropriate Tribal Cultural Agencies
- Insufficient research on co-location opportunity or alternative sites.
- Failure to follow procedure, previously denied in action on February 8, 2018
- Bundling, sites should have been submitted and reviewed individually.

*see attachment for additional information

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Timeline

February 8, 2018

- Planning Commission heard ATT CAF4 project, ATT presentation, and public comments
- Concern about bundling projects as a cost saving mechanism for the County. Commission voted on each site separately.
- Overwhelming support of public to deny projects.
As copied from the minutes from 2-8-2018 (also attached)
 - Site 2: A motion was made by Commissioner Williams, seconded by Commissioner Vegna, to conceptually Deny Site 2 based on the areas of aesthetics, compatibility with neighboring land uses, co-location possibilities, alternative site analysis, and access. The motion **FAILED**.
 - A vote of 2-2 is not considered an approval by a majority vote, pursuant to the Planning Commission Bylaws, Section 5.c, which states "To be passed, all motions and resolutions must receive the affirmative votes of no less than the majority of the Commission unless otherwise required by law." There were no subsequent motions, therefore, the 2-2 vote, considered a denial, is the Planning Commission's decision.
 - A motion was made by Commissioner Williams, seconded by Commissioner Vegna, to Continue Site 2 to the February 22, 2018, to allow staff time to prepare Findings for Denial based on aesthetics, compatibility with neighboring land uses, co-location possibilities, alternative site analysis, and access.

February 21, 2018

- Nine days after original denial, ATT sent a letter to the planning commission and county counsel asking them to reconsider the projects. They strongly encouraged the commission members with threat of legal action due to FCC rulings. **(see attached)**

February 22, 2018

- The agenda item was presented by planning commission recommending denial. Contrary to information received at the meeting of February 8, ATT was allowed to address the planning commission and ask for reconsideration of the projects.
As copied from the minutes from 2-22-18 (also attached)
 - The Planning Commission conceptually denied all sites of Conditional Use Permit S17-0016 on February 8, 2018, and continued item to February 22, 2018 to prepare written Findings for Denial. Staff is recommending the Planning Commission take the following action:
 - 1) Deny Conditional Use Permit S17-0016 based on the Findings

for Denial as presented. (Supervisory Districts 2, 3, 4) (cont. 2/8/18; Item #3; Legistar File 18-0161)

- A motion was made by Commissioner Miller, seconded by Commissioner Hansen, to Continue item off-calendar to allow applicant to have public outreach with the community and re-present the various sites to the Planning Commission as separate projects.

July 11 & 12, 2018

- AT&T meeting for public outreach. Same information as presented in prior meeting.

July 26, 2018

- Planning Commission to hear application S17-0016, same project that was denied on February 8, 2018. Applicant and public allowed to comment, Site one denied, six sites approved even though AT&T did very little to address concerns of public and Planning Commission.

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El Dorado County
Board of Supervisors

In the Planning Commission action of July 26, 2018, S17-0016/AT&T CAF4, the commission allowed a project which had already been denied on February 8th to be heard a second time with no justification why the prior denial had been set aside.

On February 8th, 2018, the Planning Commission voted on Special Use Permit S17-0016 and after much public input recommended denial of the project including all seven sites. The Commission was to reconvene on February 22nd to post the findings of denial. Staff of the Planning Department published the agenda for February 22nd and stated the reasons for denial for all seven sites bundled under the one permit. The item was placed on the calendar with the recommendations for denial.

The citizens in opposition of the projects came out in large numbers on February 8th, and at the end of the meeting we were told the projects had been denied, and the recourse of the applicant was to appeal to the Board of Supervisors within ten working days. We were told that no public comment was to be heard at the scheduled meeting of Feb 22, 2018, just the formality of posting the findings for denial! This is not the action that occurred at the meeting. The applicant was allowed to address the Commissioners and plea for another chance to bring the entire project forward at some time in the future. The project was continued off-calendar with no specific date for a new hearing. This was contrary to the information we had received at the meeting of Feb 8, 2018. There was no notice sent to those of us who thought the projects had been denied! This action reeks of impropriety on the part of the Commission!

During the public comments it was noted that these projects should all be individually submitted, and during the meeting on February 8, the Executive Secretary of the Planning Commission stated that due to the large numbers of the cell tower applications, they thought it might be a cost savings to bundle a number of cell site applications into one package. Because each site has specific concerns and merits, he agreed that this attempt to bundle projects might not have been a good idea for the constituents of El Dorado County! Each site should be assessed as individual projects as they had been treated in past applications. Bundling these projects "like a cell phone plan" does not serve the public in an appropriate way!

Setbacks were considered in the first denial of the project, and on July 26, 2018 the Fire Chief from Diamond Springs spoke up in favor of the projects for broadband service, but he agreed with the opponents of the projects that current setbacks for these towers are not adequate, and should be reviewed and modified to protect the neighboring parcels. There should be a fall zone that would encompass the tower in the event of catastrophic failure, and not on property outside the leased area! At site 2 of the permit application, a survey was conducted by the adjacent land owner to verify that the proposed site as staked by the applicant was contained within the leased parcel. It was determined that one property corner is missing, or disturbed, and the site as staked by the applicant was not consistent with the prescribed setbacks. The building department requires that property corners be marked and clearly visible! If it is determined that setbacks are an issue, some of the proposed sites would no longer be feasible. The Chair of the Commission stated that setbacks would be verified by the Building

Department prior to construction. As a previous inspector for the Department of Transportation I found multiple instances where the Building Department failed to locate property corners prior to construction, and even when it had been clearly pointed out to the building staff, construction continued with setbacks not being enforced!

Aesthetics were cited as a reason for denial of the projects! The applicant was told that they had not done adequate representations of the proposed towers from neighboring parcels, and the representations in the file were never updated prior to the meeting of July 26, 2018. AT&T chose the most advantageous angles to depict the impact of the proposed towers, and never from a neighboring parcel which would be negatively affected by the view! Proposing to lower the height of a 160' tower by 20', or even 40' is not a true way to address the aesthetic concerns of those properties neighboring the proposed cell towers. The towers will still stick out like sore thumbs even when they are lower than the proposed heights, and once the towers are built, they can raise the towers without any further consideration from the County staff and neighbors.

Co-location opportunities were also items of concern for many of those opposing the projects. There are other possibilities for cell and broadband coverage in El Dorado County that seem to function without additional towers. For site 2, AT&T only examined alternative locations within 1/4 mile of the proposed site! AT&T did not prove that co-location opportunities would not give the coverage that was necessary to achieve without the construction of new facilities. In my area service is very good with my Verizon phone! The projections for coverage are simply guesses at this stage, as are the projections for benefit from existing towers. I have found that Verizon provides much better service across the county than does AT&T. If their coverage is adequate without additional towers, why does AT&T need new towers? Co-location is actually a good alternative with fewer obstacles and less cost! The AT&T deal with the government is using the taxpayer dollars to construct these towers. Please do not use my dollars!

Inadequate alternative site analysis was one of the concerns of the public and of the Planning Commission. AT&T did not prove that they had put any effort into research of alternative sites. When questioned by the Commissioners, the AT&T representative stated that they had considered other locations, but if the alternative sites did not respond favorably, or if they met any resistance to the location of a cell tower on their site, they did not pursue the issue any farther. It was clear that AT&T did not do any significant research to find alternate locations as specified by the commission.

Incompatible land use was also considered as a point of contention for those opposing the new cell towers. Many of the towers are in residentially zoned properties, and although the Special Use Permit may allow cell towers to be built in residential zoning, is that how our elected officials wish to proceed in protecting the lives and property in El Dorado County? Other Counties have much more stringent requirements for placement of cell towers. Perhaps it is time to review the policies in El Dorado County to further protect and serve the people in our County.

Please consider the fact that this application was denied on the original submittal to the Planning Commission for good and sound reasons! The opponents of the project left the Planning Commission meeting with the understanding that the projects had been denied! On the February 22nd meeting

where the Commissioners caved into AT&T pressure, there was no notice to the opponents that the projects were back on the agenda! The underhanded tactics employed by a massive conglomerate, AT&T, to threaten and badger the Commissioners to re-consider the denial of the projects is wrong! The threat of suing the County for denial of their projects is a low and troublesome action that should not gain traction from the Commissioners or the Board of Supervisors!

Thank you for your consideration,

Bruce M. Person
4221 Clouds Rest Rd
Placerville, Ca 95667

El Dorado County Board of Supervisors

Re: Conditional Use Permit S17-0016/AT&T CAF4

2018 AUG -9 PM 2:51
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Dear Board Members,

I am writing to request a negative vote on the proposed project for an AT&T Mobility facility to be constructed at Snows Rd. and Clouds Rest Rd. in the Newtown Area. Not only am I concerned about the visual pollution of a "fake tree cell tower", but the impact to this significant historical area is troublesome. With the construction of this cell tower, my view from my front yard will be forever impacted in the most negative way! My new view will be a clear view of this 122' mono-pine which can actually be raised to 150' with no recourse from the neighbors, or even the County. To call these cell towers "stealth pines" is absolutely ludicrous! Whenever I drive through the County it is always very obvious which pines are not real! From my patio I look across the canyon at thousands of pines and oaks, and it is easy to distinguish the "stealth pine" across the canyon approximately one mile away! They do not blend in with the native vegetation!

Historically speaking, Newtown Road, Snows Road, and Snows Ridge comprise an area that was more populated than Placerville during the early stages of California's development. Even prior to the Gold Rush this area was home to many Native Americans of different tribes of the Maidu, Miwok, Nisenan and visiting tribes from far away who came here for trade. Our local historian George Peabody called our area Greystone, a very significant site that had been used as a trading center for more than 1000 years. During the Gold Rush this ridge between the two forks of Weber Creek was known as lowaville, a mining district, and was home to a thriving town with schools, blacksmith shops, hotels, and Newtown even had a post office and stage stop. The unfortunate lack of historical preservation by the County has been a problem, but further development of commercial projects should be limited to the proper designated development and be resource based.

Another disturbing result of Cell Towers is the decrease in property values on adjoining parcels after construction and operation of cell sites. It has been widely reported by realtors that a drop in values of as much as 20% is common, and it is combined reasons of aesthetic disturbance, and the perceived dangers associated with the Cell Sites. The owner of the property leasing to the carrier gets paid for their property, but the adjoining neighbors receive no reimbursement! Who will compensate the neighbors for loss of value in their property, or the trespass when a catastrophic failure of the equipment occurs?

Fire danger from malfunctioning equipment, and actual failure of the structures is not unusual, and our area is very prone to wildfires already. The wind that often blows in our canyon has caused live trees to topple, and the proposed new cell tower is right on the ridge where the winds concentrate, and will be the tallest of all the trees in the area. Wind gusts of over 100 mph have been recorded in Rancho Del Sol, the neighboring parcel to this cell site! Given the many mine shafts and tunnels that are in the immediate area, I am concerned for the structural integrity of any large structure that might be built on

this site! How much effort has the applicant put into researching the many shafts and tunnels that riddle this mountainside? There is a shaft to an existing mine within 100' of the proposed site, and evidence of much more mining activity in the immediate area. The Newtown and Lowaville mining districts document many tunnels and shafts in our immediate area near the Snows Ridge where the new cell tower is proposed!

The original denial of the project was in part due to the fact that the applicant had not reached out to the neighbors in any significant way, and no effort was put into the alternate locations. Still, as the closest neighbor to the proposed facility, I have not been contacted by the applicant except in a letter to inform me of a public meeting. I attended the meeting, and no new information was given other than the same reasons why other sites were not considered. At the meeting on July 26th the applicant stated that they had reviewed three more locations for this facility, (a surprise to all of us) and none of the other parcels were interested in allowing a cell tower to be constructed on their parcel. I take issue that the consideration of three additional sites meets the criteria of reaching out to the community, or of real attempts to investigate alternative locations. The applicant met further resistance from the proposed locations, so they concentrated all their efforts on this one site! As it turns out, the only sites truly given any consideration were the original sites in the application! According to their own projections, co-location on existing towers would give the applicant up to a twenty percent decrease in "living units" served by their facilities. AT&T has not proven that this new tower will reach all the "living units" they hope to reach, so their assumptions may in fact be flawed! The total number of "living units" to be served from this new tower is approximately 200 homes. A twenty percent reduction might mean that almost forty of the homes might not benefit from the new tower, but they have no projection showing that they will actually cover all the homes even with this tower, or that the homes are not already served with other carriers!

I have never considered myself an alarmist, but the more research I have done about cell tower failures, and fires associated with cell sites causes me to have serious concerns about a cell tower so close to my home! Cell towers create an attractive nuisance to all those around the towers, and I am concerned that this tower will be an invitation for kids in our neighborhood to explore and conquer the fenced enclosure and try to climb the fake tree. What kid doesn't want to climb an enticement like that?

In the recent past, we have been aware of a nesting pair of Eagles on property adjoining the parcel in the proposal. Also many hawks, bats, and owls, and other nesting birds inhabit the area proposed as the site for the cell tower. Migrating ducks and geese also frequently are found in the immediate area during the Fall and Spring migrations. I hope that the buzz and hum of the tower and associated equipment will not adversely affect the patterns of birds in our area.

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