



## Legislation Text

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**File #:** 10-0574, **Version:** 2

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Consider a request submitted by Jeff and Deborah Burch appealing the approval of Special Use Permit S09-0015/SBA Cellular Telecommunications Facility-Garden Valley by the Planning Commission on May 13, 2010 on property identified by APN 088-420-06, consisting of 5.033 acres, in the Garden Valley area; and Planning Services recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
- 2) Deny the appeal, thereby upholding the approval of Special Use Permit S09-0015 by the Planning Commission on May 13, 2010 based on the Findings and subject to the Conditions of Approval listed in Attachment 1. (Supervisory District IV) (Cont'd 6-22-10, Item 32)

Background: This is a request submitted by JEFF and DEBORAH BURCH appealing the approval of Special Use Permit S09-0015/SBA Cellular Telecommunications Facility-Garden Valley by the Planning Commission on May 13, 2010 on property, identified by Assessors Parcel Number 088-420-06, consisting of 5.033 acres, located on the south side of Sagebrush Road, approximately 500 feet west of the intersection with Mt. Murphy Road, in the Garden Valley area, Supervisory District IV. *[Project Planner: Tom Dougherty]* (Mitigated negative declaration prepared)

This application was considered by the Planning Commission on May 13, 2010, and was approved by a vote of 4-1 [Mathews]. The minutes from this meeting are attached.

Staff Analysis Summary: Special Use Permit S09-0015 is a request to allow the construction of a wireless telecommunications facility to include a 100-foot tall monopine tower with 12 antennas at the 98-foot level and ground support equipment to be located in a 60-foot by 90-foot fenced lease area.

As discussed in the Staff Report, the applicants have provided the required studies and project plans that show the project could be approved based on the fact no significant conflict was found with General Plan policies and Zoning Code.

The appellants believe that adequate research was not done to rule out that there was not a more appropriate location for the project to be located. They also believe that the noise studies for the proposed air conditioners and backup generator did not take into account that the project is surrounded by hills that would intensify the sound of the support equipment. Further, they believe that they will be exposed to the visual blight of the tower and support equipment every day regardless of any attempt to camouflage the project.

The Planning Commission approval of the Special Use Permit request was based on review of the Staff Report, Mitigated Negative Declaration, testimony of the applicants representatives reiterating their research about their alternative sites provided in the *Alternatives Analysis* dated April 28, 2010, review of the *Noise Analysis Report for Verizon Coloma*, dated February 25, 2010, as well as the project Photo Simulations and landscape plans.

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Follow-up for COB: Send 5 copies of Minute Order to Dept.