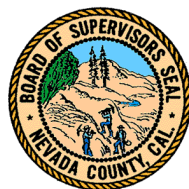


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

950 Maidu Avenue
Nevada City, CA 95959-8617
(530) 265-1480
Fax: (530) 265-9836
bdofsupervisors@co.nevada.ca.us

Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, March 13, 2018	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

Supervisor Hall had an excused absence and was not present for the afternoon session.

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Brian Foss, Planning Director.

ACTION TAKEN: Moment of silence held in memory of Ms. Dee Mautino, first female Mayor of the City of Grass Valley.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Ms. Linda Chaplin, District I resident, provided comments on the "Community Reads" program and read a section of 'Sourdough' by Robin Sloan.

Mr. Stephen Halpert, District I resident, Mr. Richard Lao, District I resident, and Ms. Irene Masteller, District I resident, provided comments regarding the difficulties they have experienced due to the landslide in Cascade Shores, and the resulting impacts to their homes.

CONSENT CALENDAR:

Health and Human Services Agency Director: Michael Heggarty

1. [SR 18-0210](#) Resolution accepting funds from the California Department of Social Services, Housing and Disability Advocacy Program to be used to support implementation and integration of the SOARWorks Program into Nevada County's Continuum of Care, in the total amount of \$81,897 over three years, upon acceptance and available through June 30, 2020.

Adopted.

Enactment No: RES 18-093

Sheriff-Coroner/Public Administrator: Keith Royal

2. [SR 18-0193](#) Resolution approving the filing of an application for an Off-Highway Vehicle Grant with the State of California, Department of Parks and Recreation to provide Off-Highway Vehicle law enforcement services, and appointing the Nevada County Sheriff as agent to conduct all negotiations and execute and submit all documents, which may be necessary for completion of the Project.

Adopted.

Enactment No: RES 18-094

Clerk-Recorder/Registrar of Voters: Gregory Diaz

3. [SR 18-0219](#) Resolution consolidating the Grass Valley Elementary School District, the City of Grass Valley and the City of Nevada City Measures, and the City of Nevada City General Municipal Election, with the June 5, 2018, Statewide Direct Primary Election to be held in the County of Nevada in the State of California, on Tuesday, June 5, 2018.

Adopted.

Enactment No: RES 18-095

Director of Public Works: Trisha Tillotson

4. [SR 18-0194](#) Resolution approving Program Supplement Number F061 to Administering Agency-State Agreement Number 03-5917F15, in the amount of \$367,000, for the 2018 Thermoplastic Striping Project - County Contract No. 225031, Federal Contract No. HSIPL 5917(098), and authorizing the Chair of the Board of Supervisors to execute the documents. (Dists. I, II, III and IV)
Adopted.
Enactment No: RES 18-096
5. [SR 18-0207](#) Resolution approving a Summary Vacation (Abandonment) of a public utility easement between Parcel M and Lot 121 of the Western Lake Properties Unit No 1-A subdivision, as shown on the map recorded in Book 2 of Subdivisions at Page 84, Assessor's Parcel Numbers 21-080-32 and 21-080-35, and directing the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation. (Dist. II)
Adopted.
Enactment No: RES 18-097
6. [SR 18-0213](#) Resolution authorizing the Chair of the Board of Supervisors to execute the Federal Fiscal Year 2018 Certifications and Assurances for Federal Transit Administration Assistance Programs, to support operating assistance projects for non-urbanized public transportation systems. (Transit)
Adopted.
Enactment No: RES 18-098

Chief Information Officer: Stephen Monaghan

7. [SR 18-0196](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)
Adopted.
Enactment No: RES 18-099
8. [SR 18-0226](#) Resolution designating authorized agent(s) as required by the California Office of Emergency Services for future and open disasters resulting in damage to public and private infrastructure and facilities, effective for up to three years following the date of approval. (Emergency Services)
Adopted.
Enactment No: RES 18-100

9. [SR 18-0197](#) Resolution accepting the Fiscal Year 2017 Emergency Management Performance Grant from the California Governor's Office of Emergency Services funded through the U.S. Department of Homeland Security, in the amount of \$145,086 with a 100% matching fund requirement, for use during the period July 1, 2017 through June 30, 2018. (Emergency Services)
Adopted.
Enactment No: RES 18-101
10. [SR 18-0209](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Kodiak Union Roofing Services, Inc., for the Wayne Brown Correctional Facility Roof Replacement Project (Res. 17-267), with contract costs totaling \$734,624, and directing the Clerk of the Board to record this Notice in accordance with Civil Code Section 9208. (Facilities)
Adopted.
Enactment No: RES 18-102
11. [SR 18-0224](#) Resolution declaring certain County property as surplus and authorizing the Purchasing Agent to sell, or otherwise dispose of, obsolete unusable surplus property, listed on Exhibit A as "Assets to be Sold at Auction: March 2018." (Purchasing) (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-103

Clerk of the Board: Julie Patterson Hunter

12. [SR 18-0227](#) Acceptance of Board of Supervisors Summary Minutes for February 13, 2018.
Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Weston to approve the consent calendar. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:**Director of Public Works: Trisha Tillotson**

13. [SR 18-0208](#) Resolution approving a contract between the County of Nevada and Riebes Auto Parts, LLC for implementation of a vendor managed inventory vehicle and equipment parts facility operation, in an amount not to exceed \$650,832, for the period of April 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract. (Fleet Services)

Adopted.

Enactment No: RES 18-104

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Trisha Tillotson and Mr. Scotty Borrer, Fleet Services Manager, provided a PowerPoint presentation regarding the current inventory and equipment concerns and the proposed contract with Riebes Auto Parts, LLC for implementation of a new vendor managed inventory process including a vehicle and equipment parts facility operation center. She reviewed the decrease in staff time and potential cost savings that the department would see as a result of the contract, and recommended the Board approve the contract and adopt the associated Resolution.

Board questioning ensued.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 18-104. On a roll call vote the motion passed unanimously.

Planning Director: Brian Foss

14. [SR 18-0223](#) Resolution granting the appeal filed by Peter Lemmon, Attorney on behalf of SimonCRE, CJS Development II, LLC regarding the Planning Commission's November 9, 2017 denial of Development Permit (DP14-001) and Management Plan (MGT14-010) for a proposed 9,100 square foot Dollar General Store and associated improvements located at 10166 Alta Sierra Drive (APN 25-430-08); Septic Line located at 10120 Alta Sierra Drive (APN 25-430-10); and Septic Leach Field located at 15675 Johnson Place (APN 25-430-12) Grass Valley, California, and overturning the Planning Commission's denial of the Development Permit (DP14-001) and Management Plan (MGT14-010) proposing to allow disturbance of 1.40-acres of landmark oak grove and four individual landmark oak trees. (Dist II) (Ayes: Supervisors Scofield, Miller and Anderson. Noes: Supervisors Hall and Weston)

Adopted.

Enactment No: RES 18-105

ACTION TAKEN: Chairman Scofield introduced the item. Mr. Brian Foss, Planning Director, and Mr. Tyler Barrington, Principal Planner, reviewed the staff report, proposing to grant the appeal filed on behalf of SimonCRE, CJS Development II, LLC, regarding Planning Commission's denial of the Development permit and Management Plan for a Dollar General Store at 10166 Alta Sierra Drive.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided comments in opposition to the proposed Project: Ms. Charisse Lolli, District II resident; Ms. Brenda Wells, District II resident; Mr. Dale Epps, District II resident; and Mr. Richard Gruwell, District I resident; and Ms. Linda Chaplin, District I resident.

The following members of the public provided comments in support of the proposed Project: Mr. Lee French, District II resident; and Ms. Sabrina Teller, Attorney for the Applicant, SimonCRE.

There being no further public comment, Chairman Scofield closed the opportunity for public comment.

Board discussion ensued.

Chairman Scofield and Supervisor Miller spoke to property rights and to the designated commercial zoning of the parcel. They planned to vote in favor of the Dollar General project and believed it will be a benefit to the community.

Supervisor Hall explained that she would vote against the Dollar General project, and spoke to the size of the development for the parcel size. She believed the Planning Commission's decision was correct.

Supervisor Weston looked at both sides, and understood the zoning issue. However, he was not in favor of the Dollar General project. The reason he would not change his vote was due to the behavior of the Dollar General Corporation, which did not reach out to the community to get their support. He did not believe Dollar General would be a good neighbor and suggested that it could be developed as a much smaller store, more in line with the rural model. He also added his concerns regarding the leach field which runs two parcels away from the store property.

Supervisor Anderson asked if this would be a precedent for other rural areas within the County. He referred to Nevada County's General Plan, and wondered what it would mean to the rural areas within District V. He wished he had also known that there was a smaller option that could have been built on the parcel in Alta Sierra. However, he thought voting against the store simply because it is a Dollar General Store would be discrimination, and would vote in favor of the Project.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to grant the appeal filed by Peter Lemmon, Attorney on behalf of SimonCRE, CJS Development II, LLC regarding the Planning Commission's November 9, 2017 denial of the Development Permit and Management Plan, and adopt Resolution 18-105. On a roll call vote the motion passed as follows: Ayes: Supervisors Scofield, Miller and Anderson. Noes: Supervisors Hall and Weston.

***CLOSED SESSIONS:**

[SR 18-0216](#) Pursuant to Government Code Section 54957(b)(1), the Board of Supervisors will hold a closed session to consider the appointment and employment of the County Executive Officer.

[SR 18-0236](#) Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is a significant threat of litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session(s) into the record and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

SCHEDULED ITEM: 10:30 A.M.**Planning Director: Brian Foss**

15a. [SR 18-0192](#) Public hearing to consider the Nevada County Planning Commission's December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 as amended per direction of the Board of Supervisors on January 23, 2018 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The Ordinance Amendment also includes an amendment to the County's definition of Agricultural Products to exclude cannabis and cannabis related products.

Resolution adopting a Negative Declaration for Ordinance ORD17-2 amending Section L-II 3.3 of Article 3 of the Nevada County Land Use and Development Code to adopt a Definition and Permitting Standards for Agritourism (File Nos. ORD17-2 and EIS17-0009), and directing the Clerk of the Board to file a Notice of Determination pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15075.

Adopted.

Enactment No: RES 18-106

ACTION TAKEN: Chairman Scofield called the meeting back into order and introduced the public hearing regarding Agritourism.

Mr. Tyler Barrington Principal Planner, reviewed the staff report and provided a PowerPoint presentation regarding an addition to the Land Use and Development Code to provide for Agritourism. He reviewed the language for the proposed definition, zoning, standards, and permitting requirements, which are similar to the County's current Winery Ordinance. Agritourism activities will be allowed within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of 3 acres or more in size. The minimum parcel size may be reduced subject to approval of a use permit. Also, Agritourism activities that are not within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of 5 acres or more in size. Mr. Barrington concluded his presentation, recommending the Board adopt the Resolution, adopt the Ordinance, and close Board Order BO17-01.

Board questioning ensued.

Chairman Scofield opened the public hearing for public comment.

The following members of the community spoke in support of Agritourism:

Mr. Richard Johansen, District IV resident and Agricultural Advisory Commission representative, Mr. David Pettis, District III resident; Ms. Aleta Barrett, District IV resident and Starbright Acres Family Farm representative; Ms. Samantha Bass, District II resident and Nevada County Grown representative; Ms. Malaika Bishop, District I resident and Sierra Harvest representative; Ms. Cheryl Zook, District IV resident; Ms. Linda Chaplin, District I resident; Ms. Mali Nakahara, District I resident and Owner of Dinner Bell Farm; and Ms. Deborah Bierwagen, District I resident.

There being no further public comment, Chairman Scofield closed the public comment period.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Weston, to adopt Resolution 18-106.

ACTION TAKEN: Board discussion ensued.

MOTION: Motion made by Supervisor Anderson to amend the motion to require a closure time of 8:00 p.m. for Residential Agricultural and Estate zoned parcels, in order to protect the neighborhoods and also provide for Agritourism events to include the dinner period, seconded by Supervisor Miller.

ACTION TAKEN: Board discussion ensued.

Mr. Chris De Nijs, Agricultural Commissioner, suggested that the item could be adopted as is and then brought back in a year's time for review.

Supervisor Anderson asked the Planning Staff to keep track of permits issued to smaller parcels and notify the neighbors that the permit has been issued.

Supervisor Miller suggested a variable to the time constraint that the requirements could change with Daylight Savings time; 7:00 or 8:00 p.m. in the Winter months and 10:00 p.m. in the Summer months.

Supervisor Anderson withdrew his motion, adding that the Board has not heard from the neighbors of Agricultural enterprises. He was concerned with finding a balance between both sets of stakeholders.

MOTION: Motion restated by Supervisor Hall, seconded by Supervisor Weston, to adopt Resolution 18-106. On a roll call vote the motion passed unanimously.

15b. [SR 18-0229](#) (Introduce/waive further reading/adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code, Tables L-II 2.2.1.B and 2.3.D of Article 2 and Section L-II 3.3 of Article 3 to establish a Definition and Permitting Standards for Agritourism (ORD17-2).

Adopted.

Enactment No: ORD-2447

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Weston, to waive further reading and adopt Ordinance 2447. On a roll call vote the motion passed unanimously.

Board action completed and Board Order 17-01 closed.

SCHEDULED ITEM: 11:00 A.M.

Teleconferencing from the Truckee Joseph Center, Hobart Mills Conference Room, 10075 Levon Avenue, 2nd Floor, Suite 205, Truckee, California.

Human Resources Director: Seth Schapiro

16. [SR 18-0225](#) Presentation of Nevada County Employee Service Awards to 121 employees.

ACTION TAKEN: Following a short break, Chairman Scofield called the meeting to order, and Mr. Seth Schapiro, Human Resources Director, was honored to recognize the employees and their years of service to Nevada County. He invited all attendees to the Providence room for refreshments after the presentation.

The Board members introduced and provided service awards to employees with five, ten, fifteen, twenty, twenty-five and thirty years.

After the presentation, Chairman Scofield reminded attendees to join the Board for refreshments.

Recess for lunch: 11:48 a.m.

AFTERNOON SESSION**SCHEDULED ITEM: 1:30 P.M.****Planning Director: Brian Foss**

17. [SR 18-0215](#) Public hearing to consider the appeal filed by Johanna Finney et. al. of the Nevada County Zoning Administrator's November 29, 2017, adoption of a Mitigated Negative Declaration (EIS17-0022) and approval of the Conditional Use Permit (CUP17-0015) for a proposed AT&T Communication Tower (PLN-0073) with support facilities at 19406 Burning Bush Road, Nevada City, CA (APN: 34-090-03). The project includes a 130-foot tall mono-pine cell tower with nine (9) panel antennas and 18 remote radio head/units installed on the mono-pine cell, an 80" by 80" walk-in utility cabinet with a climate control HVAC system, 15kW emergency backup generator with 54-gallon diesel tank located within an acoustical cabinet, and two manually operated outdoor light fixtures with cut-off shields. A solid six-foot tall redwood fence will enclose the entire 30-foot by 30-foot facility lease-area. (Dist. V)

Resolution denying the appeal filed by Johanna Finney, Cynthia Pierce, Alex Giron, Lisa Reinhardt, Shawn Blue, Ryan McVay, Krsna Bryant, Govida Bryant, Matt King, Dorothy Sullivan and Don Rivenes regarding the Zoning Administrator's November 29, 2017 adoption of the Mitigated Negative Declaration (EIS17-0022) and approval of Conditional Use Permit (CUP17-0015) for AT&T Mobility dba AT&T Wireless (PLN17-0073) located at 19406 Burning Bush Road, Nevada City (APN 34-090-03), and sustaining the Zoning Administrator's adoption of the Mitigated Negative Declaration (EIS17-0022) and approval of the Conditional Use Permit (CUP17-0015) for AT&T Mobility dba AT&T Wireless. (Ayes: Supervisors Scofield, Miller and Weston. Noes: Supervisor Anderson. Absent: Supervisor Hall)

Adopted.

Enactment No: RES 18-107

ACTION TAKEN: Chairman Scofield called the meeting back to order at 1:30 p.m. He read the public hearing into the record, and reported that Supervisor Hall had an excused absence and would miss the afternoon session. Chairman Scofield reviewed the public hearing process and Mr. Brian Foss, Planning Director, introduced Ms. Coleen Shade, Senior Planner.

Ms. Shade provided a PowerPoint presentation regarding the appeal of the Zoning Administrator's decision regarding the proposed AT&T Mobility Telecommunications Cell Tower Project located at 19406 Burning Bush Road, Nevada City. She reviewed the staff report, explaining that the public hearing was continued from February 13, 2018 based on staff's need to include additional information received by staff. She reviewed the Project site, the cell tower facility, and the Project timeline. Ms. Shade spoke to the Telecommunications Act of 1996, which states that local government is prohibited from regulating the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions. All towers are reviewed for licensing by the FCC (Federal Communications Commission) after local jurisdiction approvals. She recommended the Board adopt the attached Resolution, denying the appeal and upholding the decision of the Zoning Administrator.

Supervisor Anderson asked if the Board had the ability to deny the Project, modify the proposed Project, or modify the location of the Project. Mr. Foss responded that it was a de novo hearing, and the Board had the ability to approve, deny, or make modifications to the Project.

Supervisor Miller referred to the optimal location, and how it was identified. He asked why the current site was chosen rather than the optimal location. Ms. Shade responded that the optimal location was chosen by a computer model which looks at the best tree coverage. It does not really take into account topography or willing property owners. Staff uses the optimal location as a base and then they find the closest and best option for location. The proposed site is approximately less than two miles from the computer based optimal site.

Chairman Scofield provided the opportunity for the Appellant's presentation.

Ms. Johanna Finney, Appellant, provided the presentation. She suggested that the burden of proof is on the Applicant to show that each and every element of the approval criteria was satisfied, and contended that the Applicant failed to do this. Based on mapping provided by the FCC, AT&T Wireless chose the site in question. She was told by an AT&T representative that the basic purpose of the Project is to provide broadband service to the North Bloomfield area, and not cell service. The representative also stated that the Broadband technology being used needs "line-of-sight". Ms. Finney explained that many of the residents living in the area will not receive increased broadband service due to the topography, and noted discrepancies between

the staff's report and the survey relating to the elevation, which she believed needed to be addressed by the Board. Ms. Finney believed AT&T was required to provide an alternate location and did not do so. She spoke to the optimal locations, alleging that the chosen site was the least ideal site, and provided an alternate location within the area. Ms. Finney added that the applicants are not saying not to build, but to build closer to the optimum location in order to reduce impact and intrusiveness and provide the best internet coverage to fulfill the project goals.

Ms. Alice Perez, AT&T External Affairs representative, provided the Project Proponents presentation, reporting that funds for this project come from the Connect America funding from the FCC. The purpose of the funding is to bring Broadband services to rural communities, and the location chosen is based on the criteria that FCC provides to AT&T as an area that is currently underserved. Ms. Perez reported that they update the broadband services as well as cellular coverage, adding that the Project will provide the latest in cellular coverage, and FirstNet (AT&T's partnership) which provides a nationwide public safety network.

Mr. Chris Hatch, Shore 2 Shore Wireless Inc. representative, reported on topography, proper land use, and the need to ensure locations do not have unpermitted buildings or crops. Many of the locations within the area have unpermitted crops, which precludes them from choosing that location since they would be unable to get a building permit approved. He stressed that the property they finally chose was optimal.

Board questioning ensued.

Chairman Scofield opened the public hearing for public comment.

The following members of the public spoke in opposition to the proposed Project: Mr. Steve Michelsen, District V resident and Community Radio Station owner located in the area; Ms. Renette Senum, District I resident; Mr. David Adams, District IV resident; Ms. Carrie Aun, County resident; Ms. Marin Lipowitz, District 4 resident; Mr. Richard Cristdahl, District I resident; Ms. Louise Jones, District V resident; Ms. Cynthia Pierce, District V resident; Ms. Janet Tache, District IV resident; Mr. Jerry Bloom, District I resident; Mr. Greg Wright, guest of Ms. Johanna Finney; Mr. Allen Scharmentier, Nevada City resident; Ms. Lisa Reinhardt, District V resident; and Ms. Jeannie Ford, County resident.

The following members of the public provided comments in support of the proposed Project: Mr. John Everson, District IV resident; Mr. David Hansen, Nevada County Consolidated Fire District representative; Ms. Pamela Schwartz, District V resident; and Mr. Robert Crockett, District V resident.

There being no further public comment, Chairman Scofield closed the public comment period.

Following a short break, Chairman Scofield called the meeting to order and provided the opportunity for the Project Proponent to provide their summation.

Mr. Chris Hatch, Shore 2 Shore Wireless Inc. representative, Proponent, provided information regarding emissions and the EME Report (Electromagnetic Emissions). He introduced Mr. David Oliver, EVI Consulting, an independent third party consultant hired by AT&T to perform an electromagnetic survey (RFEME survey) for safety purposes. Mr. Oliver reported that EVI Consulting was provided specifications for the tower and antenna and ran an analysis to find the maximum allowed exposure limits for cell tower emissions. They ran the calculations, and they found a maximum permissible exposure of 2.7 percent rate at ground level. At higher levels they received an 8.2 percent exposure rate, which was the worse case scenario with full antenna build out. If you are directly in front of the face, 35-feet from the source the emissions did not exceed the permissible exposure limits. He concluded that the site was found to be compliant.

Mr. Hatch, stated that based on that report it was found that this project as stated met and is consistent with Nevada County Land Use, General Code and the General Plan.

Board questioning ensued.

Ms. Johanna Finney, Appellant, provided the Appellant's summation. She stressed that AT&T has not proven the proposed location of the cell tower is the optimal site. She reiterated that some of the issues that were raised have not been addressed. Ms. Finney felt that there is a significant gap of proof.

Opportunity for rebuttal by the public:

The following members of the public spoke in opposition to the proposed Project: Mr. Jerry Bloom, District I resident; Mr. Richard Cristdahl, District I resident; Ms. Renette Senum, District I resident; Ms. Carrie Aun, County resident; Mr. David Adams, District IV resident; Ms. Louise Jones, District V resident; Ms. Cynthia Pierce, District V resident; Ms. Marin Lipowitz, District 4 resident.

The following members of the public provided comments in support of the Project: Mr. John Everson, District IV resident.

There being no further public comment, Chairman Scofield closed the opportunity for public rebuttal.

Board questioning ensued.

Board discussion ensued regarding visually important ridgelines. Mr. Foss explained that this ridge has not been designated as such.

Mr. Foss reported that County Code does not include language that requires the Applicant to 'prove' that this is the most optimal location, the requirement is to show a need for service in a given area. There was a Search Ring Analysis done and the tower height and tower location are based on the technical needs to serve this area and this information was provided to staff.

Board questioning ensued regarding the site that currently has a small radio pole.

Supervisor Anderson argued that some properties zoned Agricultural (AG) are, in their very character, rural-residential. He recommended this parcel should be rezoned as rural-residential, and the Board consider the tower be situated its height away from the property line.

Board discussion ensued regarding the recommendation to treat the site as rural-residential.

Supervisor Miller found the property adequate for providing cell service. He stressed that lack of service is a problem throughout rural counties. When a site is found that could provide cell service it should be looked at seriously.

Supervisor Anderson clarified his request for staff and the Board to consider applying setbacks that are similar to those that would be applied if the site was in an RA zone, for example.

Board questioning ensued.

Chairman Scofield commented that the decision made by the Zoning Administrator was based on the County's existing codes, therefore the Project meets all the requirements. In order to approve the appeal, the Board would need to change the current codes. He was inclined to go with the ruling of the Zoning Administrator.

MOTION: Motion made by Supervisor Anderson to deny the appeal, but require the applicant to use residential zoning standards to locate the tower along the northern property line, to use the tower height to locate it away from the eastern property line and use the 30 foot setback from the northern property line.

Supervisor Weston seconded the motion.

Ms. Barratt-Green asked for specifics. Supervisor Anderson specified 130 feet from the east side and 30 feet back from the northern side.

Ms. Barratt-Green suggested that the Board might want to hear from the Applicant regarding the feasibility of the proposed option.

On a roll call vote, the motion failed. Ayes: Supervisor Anderson. Noes: Supervisors Scofield, Miller and Weston. Supervisor Hall absent.

Board questioning and discussion ensued.

Mr. Hatch, Applicant representative, responded to the suggested change in setbacks. Working with Planning staff, they spent a lot of time finding the right location. They also reviewed the site with the Fire Department, and there is a double turnout required for fire trucks to turn around. Due to the placement of the tower to the driveway they also had to work the turnout in the opposite direction; moving it would place it in the driveway or cause trees to be cut.

Ms. Pamela Schwartz, property owner, suggested that moving the tower would probably place it in a more visible area due to lack of trees that could shelter it from view.

Mr. Hatch continued that they did the best they could to mitigate impacts. He reviewed the changes that would happen if the tower were moved to a different location on the same site, and requested the Board consider the tree screening which would be optimal at the current location.

Board discussion continued.

Supervisor Weston agreed with Supervisor Anderson's concerns, but felt that making the change after the fact was incorrect. He wanted the setback issue to be brought to the Board to change the requirements for Cell Towers no matter whether it is residential or AG to specify a certain setback. However, according to the rules that are in place, the decision made by the Zoning Administrator is correct. He suggested that the Board would receive more of this in the future.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Weston, to adopt Resolution 18-107. On a roll call vote the motion passed as follows: Ayes: Supervisors Scofield, Miller and Weston. Noes: Supervisor Anderson. Absent: Supervisor Hall.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Not held.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 4:40 P.M.

Signature and Attestation

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board