

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA# *A-14

Urgent _____ Routine X

AGENDA DATE April 24, 2001

CEO Concurs with Recommendation YES _____ NO _____

4/5 Vote Required YES _____ NO _____

(Information Attached)

SUBJECT:

APPROVAL TO SET A PUBLIC HEARING ON MAY 8, 2001, 9:30 A.M., TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF APPLICATION NO. 2000-09, PACIFIC BELL WIRELESS-OTT FARMS FOR A MONOPOLE TOWER, TWO MICROWAVE DISHES AND TWO EQUIPMENT CABINETS

STAFF RECOMMENDATIONS:

1. SET A PUBLIC HEARING ON MAY 8, 2001, 9:30 A.M., TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF APPLICATION NO. 2000-09, PACIFIC BELL WIRELESS-OTT FARMS FOR A MONOPOLE TOWER, TWO MICROWAVE DISHES AND TWO EQUIPMENT CABINETS

FISCAL IMPACT: None.

BOARD ACTION AS FOLLOWS:

No. 2001-288

On motion of Supervisor Simon, Seconded by Supervisor Mayfield

and approved by the following vote,

Ayes: Supervisors: Mayfield, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Blom

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

RECEIVED
APR 17 2001

4-16-2001
\$375.00
Rec # 1679
B.M.

April 12, 2001

BY: *Julia Jarrister*, Assistant
Clerk to the Board

Stanislaus County Board of Supervisors
Tenth Street Plaza
1010 10th Street, Suite 6500
Modesto, California 95354

RECEIVED
APR 16 2001
STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT.

Board of Supervisors:

This is a request for the Board of Supervisors to appeal the Stanislaus County Department of Planning and Development Staff Approval of Application Number 2000-09-Pacific Bell Wireless-Ott Farms at 5243 Paradise Road for a monopole tower (54 foot), two microwaves dishes and two equipment cabinets for the following reasons:

1. The above mentioned area is strictly agricultural & agricultural related. This is a commercial entity & should not be allowed here.
2. This 54' tower poses a flight hazard to crop dusting planes and pilots working in this area who are necessities to the agricultural industry. And, unless the power supply source to these cabinets and tower is placed underground, additional power poles and power lines to the cabinets will be needed which, in turn, will add even greater hazards to crop dusters and effect their ability to properly spray the adjoining area and crops close to the tower and subsequent power poles and lines and will then effect farm income.
3. The disruptive effects of the electromagnetic frequencies from those microwave dishes on highly sensitive medically necessary electronic devices (ie. pace makers & insulin pumps) used by the members of the community as well those using Paradise Road on their daily travels.

There have been recently recognized potential health hazards from the microwaves from cell phones (ie. brain cell and DNA damage, sleep pattern disruptions, etc. per recent British studies, prompting warnings to minimize cell phone usage particularly by children) and the subsequent extensive tests and studies being conducted due to those findings cause us great concern. If there are potential health problems resulting from cell phone usage, what affects could result from the cumulative exposure of twenty-four hours a day, seven days a week? This is one of the greatest concerns throughout this community, particularly to those with young children.

4. The close proximity to an elementary school.
5. The esthetics of constructing a 54' tower & microwave dishes in this particular area. Those in this community cherish the panoramic view and this tower & subsequent

microwave dishes & equipment cabinets are no more than visual pollution and do not benefit the community sufficiently to warrant their construction. Due to the flight hazards to crop dusters and the created visual pollution to those surrounding property owners these towers, microwave dishes and equipment cabinets only serve to diminish property value.

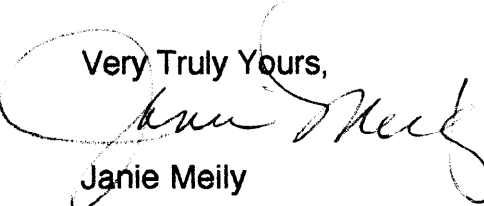
6. Section 21.91.040 states co-location is preferred to minimize the number of communication towers throughout the County. With the reduction in height from 108' to 54', co-location is impossible/improbable, insuring the construction of another tower either by this company to increase range of service or another telecommunications company. Why not locate this tower in an alternate site where a 108' tower would not pose such problems and which, in turn would serve to minimize the number of towers in this area? Pacific Bell has been notified of alternative sites in the community with willing land owners with adjacent power sources available. Why weren't those sites investigated? There are other sites in the vicinity better suited than this one.

7. Concerns re television & phone reception interruption/interference due to the microwave emanations.

8. A petition (original documents submitted to the Department of Planning & Community Development) signed by 78 members of this community objecting to this tower (108' at this time). If necessary, a petition listing objections to the reduced size of 54' would/could be obtained.

Cellular towers are not permitted in residential communities...why? Do they lower property values? My property value is of importance to me as are property values to my neighbors. Are there health concerns? The lives of my loved ones and neighbors and their children are just as important and valuable to me and to the other members of this community...as much so as to those who live in protected 'residential areas'. My neighbors and I enjoy our lives and standard of living and resent the fact that our chosen life style be threatened by outside influences and guided by selfish interests. This IS a community and those members of the community should have a say in determining what effects their homes, their friends, their families and their lives.

For the aforementioned reasons, I, as a resident of this community object to the construction of this tower, microwave dishes and equipment cabinets at this site.

Very Truly Yours,

Janie Meily

I know the Board of Supervisors meets on Tuesdays and I hope this does not present

a scheduling problem for the agenda but, due to prior commitments, I will be unavailable until May 29th. I hope these date restrictions can be taken into consideration in the placement of this matter on the agenda.

*Appendix of
Poc Bell
Stable Approval*

PLANNING
DEPT.

04/16/01 1:58PM
000241679

PLA FMS \$375.00
BAND \$40.00

ITEMS 29
CHECK \$375.00



BOARD OF SUPERVISORS

Pat Paul, 1st District
Thomas W. Mayfield, 2nd District
Nick W. Blom, 3rd District
Raymond Clark Simon, 4th District
Paul W. Caruso, 5th District

1010 Tenth Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

April 18, 2001

Attn: Janie Meily
1861 Stone Avenue
Modesto, CA 95351

RE: Appeal of Planning Commission's Approval of Application No. 2000-09-Pacific Bell
Wireless-Ott Farms for a Monopole Tower

Dear Ms. Meily:

This is to inform you that we received your letter on April 17, 2001, requesting an appeal of the Planning Commission's Approval of Application No. 2000-09-Pacific Bell Wireless-Ott Farms for a Monopole Tower.

Pursuant to Stanislaus County Code, Chapter 21.112.060 (c), the date and time of hearing an appeal of a Planning Commission decision shall be set, and heard, by the Board of Supervisors within forty-five days of receipt of the appeal. Therefore, due to the previous cancellation of the May 29, 2001 Board of Supervisors' meeting, it is not within my realm of authority to accommodate your request to delay the scheduling of this appeal beyond the forty-five day requirement.

Therefore, this letter serves to inform you that an item will be going before the Board of Supervisors on April 24, 2001, requesting approval to set a Public Hearing on **May 8, 2001, at 9:30 a.m.**, or as soon thereafter as the matter may be heard, to consider this appeal.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Lillie L. Farriester
Assistant Clerk
Board of Supervisors

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF
APPLICATION NO. 2000-09 - PACIFIC BELL WIRELESS - OTT FARMS

NOTICE IS HEREBY GIVEN that on May 8, 2001 at the hour of 9:30 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider a request to locate a 54' high monopole tower, two microwave dishes and two equipment cabinets on a portion of a 46-acre parcel. The property is located on 5243 Paradise Road, southwest of Modesto. The pole and facilities would be located near the northwest corner of Paradise Road and Stone Avenue. APN: 017-06-10

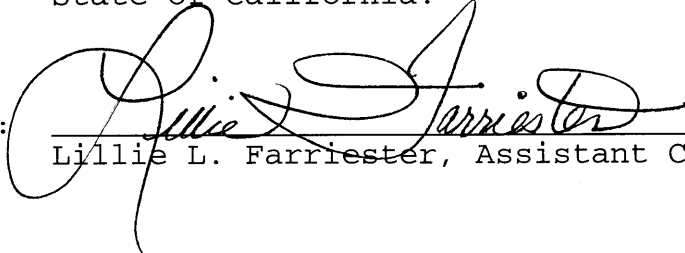
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 24, 2001

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Lillie L. Farriester, Assistant Clerk

Stani



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

BOARD OF SUPERVISORS 1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

2001 APR 26 A 10:01

April 27, 2001

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, May 8, 2001**, starting at **9:30 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

APPEAL OF THE PLANNING COMMISSION'S STAFF APPROVAL OF APPLICATION NO. 2000-09 - PACIFIC BELL WIRELESS - OTT FARMS - Request to locate a 54' high monopole tower, two microwave dishes and two equipment cabinets on a portion of a 46-acre parcel. The property is located on 5243 Paradise Road, southwest of Modesto. The pole and facilities would be located near the northwest corner of Paradise Road and Stone Avenue.

The property is further identified as Assessor's Parcel No. 017-06-10

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board, at or prior to, the public hearing.

For further information, please call (209) 525-6330.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

I am employed in the County of Stanislaus, California.
(County where mailing occurred)

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

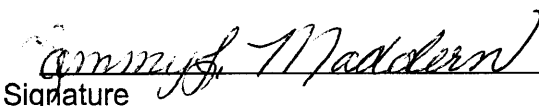
On April 27, 2001, I served the attached Notice of Public Hearing
(Date)

APPEAL OF THE PLANNING COMMISSION'S STAFF APPROVAL OF APPLICATION on the parties listed
NO. 2000-09 - PACIFIC BELL WIRELESS - OTT FARMS
below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage
thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this
declaration was executed on April 27, 2001, at Modesto, California.
(Date)

Tammy J. Maddern
(Type or print name)


Signature

**DECLARATION OF PUBLICATION
C.C.P. S2015.5)**

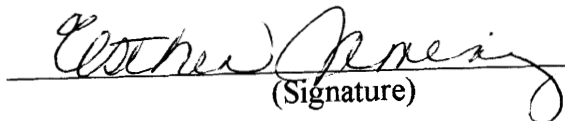
**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

APRIL 28, 2001

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

APRIL 28, 2001
(date)


(Signature)

**NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S
APPROVAL OF APPLICATION NO. 2000-09 -
PACIFIC BELL WIRELESS - OTT FARMS**
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NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.
BY ORDER OF THE BOARD
OF SUPERVISORS
DATED: April 24, 2001
ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors
of the County of Stanislaus, State of California.
BY: Lillie L. Farriester, Assistant Clerk
April 26, 2001