



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

SPECIAL MEETING

**TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET**

Tuesday, June 18, 2024

6:00 p.m.*

48 Yaney Avenue, Sonora
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(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

***The doors to the County Administration Center will be opened at 5:30 p.m.**

You may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370, or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion**

2. Report from the Agricultural Advisory Committee Representative

3. Meeting Minutes of March May 13, 2024

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

- 1. T-MOBILE**, Conditional Use Permit LUNR-24-4 to allow the construction of a new 85± foot-tall communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 088-180-020. The project site is a 24.37± acre parcel zone RE-5 (Residential Estate, 5-acre minimum) under title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located approximately 570± ft southeast of the intersection of Tre Omni Road and Moeller Road in the community of Tuolumne. The project site is within a portion of Section 31, Township 2 North, Range 16 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 3.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Thursday, 8:00 a.m. 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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SURFACE RIGHTS OWNERS: Mitchel and Ashley Brockmire
Phone: (209) 559-8894

MINERAL RIGHTS OWNERS: Feriani Revocable Trust

APPLICANT: Assurance Development for T-Mobile, Bill Lewis
Phone: (626) 216-2024

DATE: May 30, 2024

PROJECT DESCRIPTION: Conditional Use Permit LUNR-24-4 to allow the construction of a new 85± foot-tall wireless communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 088-180-020. The project site is a 24.37± acre parcel zoned RE-5 (Residential Estate, 5-acre minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located approximately 570± ft southeast of the intersection of Tre Omni Road and Moeller Road in the community of Tuolumne. The project site is within a portion of Section 31, Township 2 North, Range 16 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 3. Assessor's Parcel Number 088-180-020.

RECOMMENDATION

Community Development Department Staff recommends approval of Conditional Use Permit LUNR-24-4 based upon the following findings and subject to attached conditions 1 through 44.

- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.

PROJECT DESCRIPTION

On February 16, 2024, an application was submitted for Conditional Use Permit LUNR-24-4 for the construction of a wireless communications facility including an 85± foot tall wireless communication tower and associated equipment within a 40± foot by 40± foot fenced area. The proposed tower is 75 feet tall with a 10-foot lighting rod that is within the tree branching, for a total height above grade of 85 feet. This facility would be used by T-Mobile to provide cell service coverage. The tower is

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proposed to be constructed approximately 423± feet from the southern property boundary and approximately 185± feet to the northern property boundary (Attachment 2). The tower would be approximately 108 feet from the property boundary along Tre Omni Road, which is the nearest property boundary. There is an existing dirt road that is proposed to be a new 12-foot-wide gravel road located within a new 20-foot-wide access and utility easement which will be utilized to provide access to the facility. The tower would be designed as a stealth monopine tower. Power would be extended 271± feet underground from a transformer located within the proposed access and utility easement in front of the proposed leased area. (Attachment 2).

FINDING A The proposed project is consistent with the Tuolumne County General Plan.

A.1 The project site is designated Rural Residential by the 2018 Tuolumne County General Plan land use diagrams. The RR designation provides for country-estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. This designation is found in areas which have limited public services and serves as a buffer between urban and urbanizing areas and agricultural land. The development of a wireless communication facility would support these uses. Table 1.3 of Volume II of the 2018 General Plan indicates that the RE-5 zoning district is compatible with the RR designation.

A.2 The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of LUNR-24-4 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

FINDING B The proposed project is in accordance with the Tuolumne County Ordinance Code.

B.1 The project site is zoned RE-5 under Title 17 of the TCOC. The purpose of the Residential Estate, 5-acre minimum (RE-5) district is to provide a low-density residential zoning classification offering country-estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. Development of a wireless communication facility would support these uses.

B.2 Chapter 17.94 of the TCOC contains the regulations pertaining to wireless communication facilities. Pursuant to Section 17.94.040 of the TCOC, wireless communication facilities are a conditional use within the RE-5 zoning district. Therefore, the applicant has applied for Conditional Use Permit LUNR-24-4.

B.3 The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
<u>Section 17.94.040:</u> Major wireless communication facilities are declared to be conditional uses and require the issuance of use permits in all zoning districts, except such facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.	The project site is zoned RE-5. Therefore, a wireless communication facility is a conditional use. The applicant has applied for Conditional Use Permit LUNR-24-4.
<u>Section 17.94.050(B)(3):</u> A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.	The applicant has submitted visual simulations of the proposed facility. (Attachment 4)
<u>Section 17.94.050(B)(5) and 17.94.050(B)(10):</u> A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.	The applicant has submitted the required maps.
<u>Section 17.94.050(B)(9):</u> Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.	The application materials indicate that the tower will be fenced with a 9-foot high concrete wall and chain link fenced compound to discourage trespassing. The site plans include a 20-foot-wide nonexclusive easement along the proposed 12-foot-wide gravel driveway to provide access to the facility (Attachments 2 and 3).
<u>Section 17.94.050(B)(11):</u> A plan identifying the source of power to the wireless communications facility shall be provided.	PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground approximately 271' from the location of the power to the facility within the driveway easement (Attachment 2).
<u>Section 17.94.050(B)(12):</u> A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.	The natural vegetation on site is sufficient to meet this requirement, thus a landscaping plan is not required.

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<u>Sections 17.94.050(B)(15):</u> A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC).	The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards.
<u>Sections 17.94.050:</u> indicates all of the required submittals for a wireless communication facility application.	All required information and documents were submitted.
<u>17.94.060(A):</u> Processing of the use permit application shall be in accordance with chapter 17.104 except as provided in Subdivisions B and C that within forty-five days of receipt of a complete application for the use permit, the Community Development Department shall schedule the application for a public hearing by the jurisdictional planning commission.	Conditional Use Permit LUNR-24-4 has been scheduled before the Tuolumne County Planning Commission for a decision.
<u>Section 17.94.090:</u> Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE3, or zoned any district when combined with the :H, :HDP or :D combining district or from any publicly dedicated trail, public park or public outdoor recreation area. Facilities shall be set back two hundred feet (200') from any open space, as defined in Chapter 17.04. Guy wire anchors for wireless communication towers shall be set back at least twenty feet (20) from any property line.	The proposed facility meets all applicable setbacks. The 85-foot-tall tower would need to be a minimum of 93.5 feet from any property boundary. The tower would be 108 feet to the nearest property boundary. There are no parcels zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE3, or zoned any district when combined with the :H, :HDP or :D or any publicly dedicated trail, public park or public outdoor recreation area within 200 feet of the site. The proposed facility is over 200 feet from any open space.
<u>17.94.120(A)(3):</u> Support facilities proposed on hillsides, hilltops, or other visually sensitive areas shall be designed to resemble a natural feature of the surrounding landscape.	The elevations indicate that the tower will be designed as a stealth monopine tower.
<u>Section 17.94.140:</u> Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.	The application materials do not propose any lighting. An ongoing condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.
<u>Section 17.94.210(C):</u> Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services.	The elevations (Attachment 3) indicate the space made available for future carriers to collocate.

Alternative Site Analysis

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- B.4 Section 17.94.050(B)(6) of the TCOC requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site. A total of 11 other sites were investigated and ultimately rejected.

The following alternative sites were considered:

APN	Analysis Result
009-050-036	This site was rejected because the location did not meet coverage objectives.
088-010-009	Rejected because building was likely infeasible due to terrain.
062-060-041	This site was rejected because the location did not meet the coverage objectives.
062-060-009	This site was rejected because the location did not meet coverage objectives.
088-180-019	Rejected because the property owner did not respond to the lease offer.
088-180-018	Rejected because the property owner did not respond to the lease offer.
062-050-092	Rejected because they were unable to agree to business terms.
088-020-008	Rejected because the property owner did not respond to the lease offer.
009-150-004	Rejected because they were not able to agree to business terms.
088-200-006	Rejected because the building was likely infeasible due to terrain.
088-040-012	Rejected because the property owner did not respond to the lease offer.

- B.5 Pursuant to Table 14.10(B) of the Ordinance Code, a cultural resources study is required when certain indicators are found on a project site, which include a site containing or being adjacent to a parcel that contains known archaeological or historic sites, the presence of rock retaining walls, evidence of historic era mining, evidence of Native American habitation, structures older than 50 years, or a site within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps.

The Tuolumne County Database of Cultural Resources has been reviewed to determine the presence of known cultural resources on the project site. Per the Central California Information Center, a cultural resource was recorded in 1989 on an adjacent parcel. The cultural resource number P-55-005179 is in reference to a historic gold mine with three vertical shafts, a headframe foundation, and a tailings pile. The extent of the historical resource on the project site was unknown, thus a cultural resources assessment was required due to evidence of historical era mining in the immediate vicinity.

A pedestrian field survey was conducted of the project area of potential effects (APE) for direct effects on November 15, 2023. The field survey did not observe cultural resources within the direct APE. Fourteen cultural resources were identified within the indirect APE upon a records search. In addition to the mining shaft, two dams, one prospecting pit, an adit, two plaque markings, a cemetery, a mining feature, two ditches, a railroad grade, and a Bedrock Milling feature were identified. No other prehistoric resources were located. The proposed utility easement will be located on the east side of the Treomni Road and will cause minimal ground disturbance, thus the study concluded this project will not have the potential for direct or indirect impacts to any historic properties. No recommendations were made for further cultural resource efforts, however, if the project description changes, particularly if there will be future ground disturbance, additional studies may be warranted. The document is on file with the Land Use and Natural Resource Division of the Community Development Department. This document is considered confidential and can be requested for review by a qualified professional.

FINDING C The proposed project will not overburden existing municipal facilities.

- C.1 The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The facility would utilize existing roadways and improve an existing driveway. The use of the facility is not expected to overburden electrical facilities. No other utilities or municipal facilities would be required to serve the project.

FINDING D The size and terrain of the project site are suitable for the proposed use.

- D.1 The project site consists of a 24.37± acre parcel zoned RE-5 under Title 17 of the TCOC. The project site is vacant and undeveloped. The site is level, with the average slope being approximately 15%. Vegetation on site consists of live oaks, valley oaks, foothill pines, and annual grasses, with no trees being removed to allow for the facility. The site is surrounded by parcels with a mix of agricultural and residential uses. Pacific Gas and Electric Company (PG&E) provides electricity to the site.

Biological Resources

- D.2 The Tuolumne County Wildlife Maps indicate that the bop (blue oak-pine), mhc (montane hardwood-conifer), and ags (annual grassland) habitats are present on site. The blue oak-pine habitat type is the designation for Foothill woodland dominated by blue oak, foothill pine, and/or interior live oak, usually with a sparse to moderate canopy cover. The montane hardwood-conifer habitat type is the designation for forests consisting of at least hardwoods (not including riparian trees) and one-third conifers, often forming a dense canopy. The annual grassland habitat type is the designation for open grassland composed primarily of annual grasses and forbs. The Tuolumne County Wildlife Handbook indicates that these habitat types are considered third and fourth-priority habitats. Third-priority habitats are areas that are of considerable value to wildlife, but not as rare or vulnerable to human impacts. Most low-intensity and some high-intensity uses are to be allowed with appropriate mitigation. Fourth-priority habitats are areas of relatively low value to wildlife. Most uses would be allowed within these habitats without wildlife mitigation. Due to the low value of the habitat located within the project site and the nature of the proposed project, mitigation for cumulative impacts to wildlife was not required for the proposed project.
- D.3 The California Natural Diversity Database (CNDDB) maps were consulted for the known locations of special status plant and animal species. The CNDDB maps indicate that the special status plant species the Tuolumne button-celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site. Habitat for the Tuolumne button celery consists of wetlands and vernal pools. Habitat is not present on site for the Tuolumne button-celery. Therefore, there would be no impact and no mitigation for wildlife was required.

FINDING E The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

- E.1 The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report

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that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

Airport Land Use Commission

- E.2 Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040(B) of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was considered by the ALUC on May 9, 2024. The ALUC unanimously voted 5-0-0 to determine that Conditional Use Permit LUNR-24-4 was consistent with the Tuolumne County Airport Land Use Compatibility Plan, subject to the following conditions:

Any new structure, development, or use on the project site shall be constructed, painted, designed, or operated in such a way as to avoid:

- a) Glare or distracting lights which could be mistaken for airport lights;
- b) Sources of dust, steam, or smoke which may impair pilot visibility;
- c) Sources of electrical interference with aircraft communications or navigation; and
- d) Any use which may attract large flocks of birds.

Stakeholder Responses

- E.3 Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 8, 2024, to 54 property owners within 1,000 feet of the project site. The Stakeholder Notification was also posted to the Planning webpage. A total of eleven response letters were received. The letters indicated the following areas of concern.

Health and Safety/Radiation

The response letters indicated concern with the output from the facility and the impact it would have on health and safety and questioned the type of equipment used. The applicant has submitted an electromagnetic energy exposure (EME) compliance report prepared by Hammet and Edison, Inc, Consulting Engineers. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The report concluded that the emissions within publicly accessible areas are much lower than the required standards.

Aesthetics

Some of the response letters indicated concern with the aesthetic nature of the proposed cell tower. Upon environmental review, it was deemed that the project would have a less than significant impact on the aesthetics of the surrounding area as it would not substantially degrade the existing visual character of the public views of the site or surroundings. Another response indicated concern with the stealth monopine tower design as it does not resemble the vegetation or trees in the area. There are foothill pine trees in the immediate project vicinity, thus a stealth monopine tower design does resemble the trees in the area.

Existing Tower in Vicinity

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One of the response letters indicated concern with another tower nearby and that another tower is unwarranted. The application materials indicate there are no existing T-Mobile sites within a two-mile radius and that the proposed tower would improve coverage in the immediate vicinity and the community of Tuolumne. The currently proposed site was determined to be the most sufficient location that would comply with the TCOC requirements, with a landlord willing to allow the tower, and would provide the necessary in-building, in-vehicle, and outdoor service to the identified area.

Property Values

Concerns were raised about the project's impact on surrounding property values. Section 15064(e) of the California Environmental Quality Act states that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Concerns expressed over the potential of this project to devalue nearby properties are considered a social or economic impact. Concerns about this issue may be raised during the public hearing process for this project when this project is heard by the Tuolumne County Planning Commission.

Location

Concerns were raised about the location of the project as claims were made regarding the tower being built on a lava cap above a mining tunnel. A cultural study was conducted on the property and determined that the project would not have the potential for direct or indirect impacts on any historic properties. Any grading done on site would be in accordance with Chapter 12.20 of the TCOC.

Fire Hazard

Concerns were raised about potential fire hazards due to the location's Very High Fire Hazard Severity zone designation. Most of Tuolumne County falls into the Very High or High Severity zones due to the natural vegetation and terrain of the area. Major communication facilities must be designed and operated in such a manner to minimize the risk of igniting a fire or intensifying one that otherwise occurs. No specific prevention measures were indicated as conditions by the Fire Prevention Division. However, the project is required to comply with all applicable provisions of the California Fire Code. Concerns about this issue may be raised during the public hearing process for this project when this project is heard by the Tuolumne County Planning Commission.

Agency Responses

- E.4 State and County agencies were also notified of the project on March 8, 2024. The Engineering Division of the Department of Public Works and the Tuolumne County Air Pollution Control District provided comments for this project which are addressed in this report and the project conditions of approval. The California Department of Transportation (Caltrans) responded and indicated they had no concerns or comments due to the distance to State Route 108.

Engineering Division

The Engineering Division provided conditions which have been incorporated into the conditions of approval for Conditional Use Permit LUNR-24-4. These conditions include requirements for grading permits, encroachment permits, erosion control, drainage, and dust abatement.

Air Pollution Control District

The Air Pollution Control District provided conditions which have been incorporated into the conditions of approval for Conditional Use Permit LUNR-24-4. These conditions include conditions required to be met during construction of the facility.

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FINDING G

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

- G.1 After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

PREPARED BY: Joshua Wozynski, Planner I

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**CONDITIONS OF APPROVAL
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CONDITIONAL USE PERMIT LUNR-24-4**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the Property Owner and Applicant, and their successors in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or Omissions of the Property Owner, Applicant and their agents, employees, or contractors during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or Omissions of the Property Owner, Applicant and their agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County, which shall not be unreasonably withheld, conditioned or delayed. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County the reasonable cost of such resources upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, upon notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.94.250)
2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)
3. ED If applicable, obtain a grading permit from the Engineering Division of the Department of Public Works if the grading thresholds are met as indicated in Chapter 12.20 of the Tuolumne County Ordinance Code. If a grading permit is required, a grading plan shall be submitted to the Engineering Division for review and approval. (TCOC, Chapter 12.20)
4. ED If required, submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National

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Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction related storm water discharge and the State Water Resources Control Board Water Permitting Unit shall be contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain an NOI or an exemption from requirements.

Conditions to be met prior to issuance of a Building Permit:

5. BD/LU “Anti-climbing” features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.94.120(B)(4).
6. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer’s estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.94.220 and 17.94.230)

Conditions to be met during the construction phase:

7. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.94.180(A))
8. ED Prior to construction, all property corners shall be monumented and clearly visible. Where a clear line of site between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress. (TCOC, Chapter 12.20)
9. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)

10. ED The applicant shall submit an erosion control plan for any construction to take place. (TCOC, Title 12)
11. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
- A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.1910 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
 - D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
 - E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

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A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

12. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
13. ED All soils disturbed by clearing, grubbing, and/or grading shall be reseeded or hydromulched or otherwise stabilized as soon as possible. Emergency erosion control measures shall be utilized as requested by County officials. (TCOC, Title 12)
14. APCD Any construction or site activities that create fugitive dust emissions shall implement dust suppression methods using either water or chemical stabilizer/suppressants. A water truck or other dust suppression equipment shall be on site at all times. The frequency of dust suppression measures shall be dependent on whether visible dust emissions are present. (TCAPCD Rule 505 - *Conditional Approval*)
15. APCD Should serpentine or ultramafic rock be found on site, a Dust Mitigation Plan pursuant to Air District Rule 908 - *Asbestos ATCM*, shall be submitted to the Air District prior to any building or site work. (TCAPCD ATCM 908 - *Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations*)
16. APCD Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D) (3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.
Requirements for Road Construction and Road Maintenance Activities:
 - i. Equipment and operations must not cause any visible dust crossing project boundaries;
 - ii. Unpaved roads, area subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
 - iii. Construction vehicle speeds shall be limited to 15 mph; and
 - iv. Track out from any road construction project is prohibited on any paved public roadway.
17. APCD Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use apply,

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sell, supply, or offer for sale or supply any restricted material (as defined in subsection (l)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (*California Health and Safety Code, Sections 93105 and 93106*)

18. APCD Any aggregate rock used for surfacing material that contains greater than 0.25% asbestos shall be incorporated into or completely covered by asphalt concrete, Portland cement concrete, or other similarly cemented material. (TCAPCD ATCM 904 - *Asbestos ATCM for Surfacing Applications*)
19. APCD Existing county or State paved roads and streets adjacent to the construction site shall be cleaned as necessary to limit track out and prevent fugitive dust. (TCAPCD Rule 505 - *Conditional Approval*)
20. APCD Open burning of vegetation for land clearing purposes shall be prohibited without a valid burn permit from the District. (TCAPCD Rule 310.2(A) - *Land Development Clearing*)
21. APCD CARB mobile equipment regulations shall be adhered to for all diesel fired mobile sources used at this site during construction. (CCR Title 13 Section 2449 et al)
22. APCD Any diesel fired portable equipment used at this site during construction shall comply with the *ATCM for Diesel PM from Portable Engines Rated at 50 BHP or Greater*. (CCR Title 17 Section 93116)
23. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection:

24. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.98.110(H))
25. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval

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of supplemental plans submitted by the applicant. (TCOC, Section 17.98.110(H))

- 26. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.94.120(B)(4))
- 27. ED If applicable, drainage improvements shall be installed in accordance with approved drainage plans. (TCOC, Chapters 11.04 and 11.12)
- 28. ED If applicable, provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site. Provide a 15-foot-wide drainage easement along all existing pipes that are not located in a road and public utility easements. (TCOC, Sections 12.20.270 and 12.20.280)

The following conditions also shall apply to the project site:

- 29. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.94.140)
- 30. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.94.120(B)(4))
- 31. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)
- 32. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.94.200(B))
- 33. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)
- 34. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)
- 35. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required

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by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.94.160)

36. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.94.130)
37. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

¹Leq. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.94.190(C))

38. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.94.180(D))
39. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.98.110(H))
40. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.94.220)
41. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.94.160(A) and 17.94.160(A)(1))
42. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing

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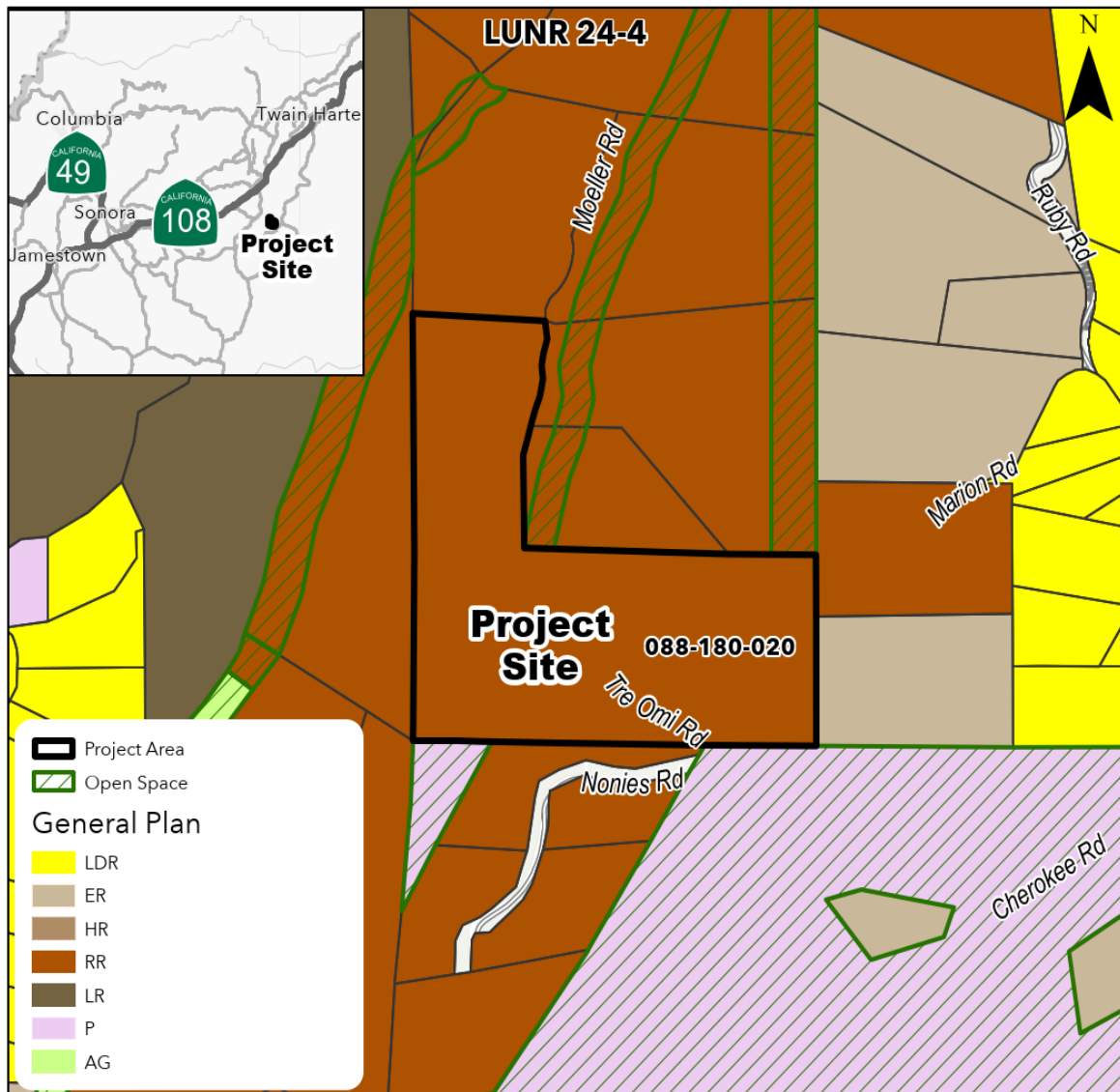
vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.94.160(B) and 17.94.160(C))

43. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.94.120(B)(1))
44. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.94.120(B)(2))

A Notice of Action shall be recorded for Conditions 1 through 44 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.98.110(H))

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Joshua Wozynski

Attachment 1: Agenda Map



Project: LUNR 24-4

Owner: Ashley and Mitchel Brockmire

Applicant: Bill Lewis, Assurance Development for T-Mobile

APN: 088-180-020

Acres: 24.37± acres

Current Zoning: RE-5

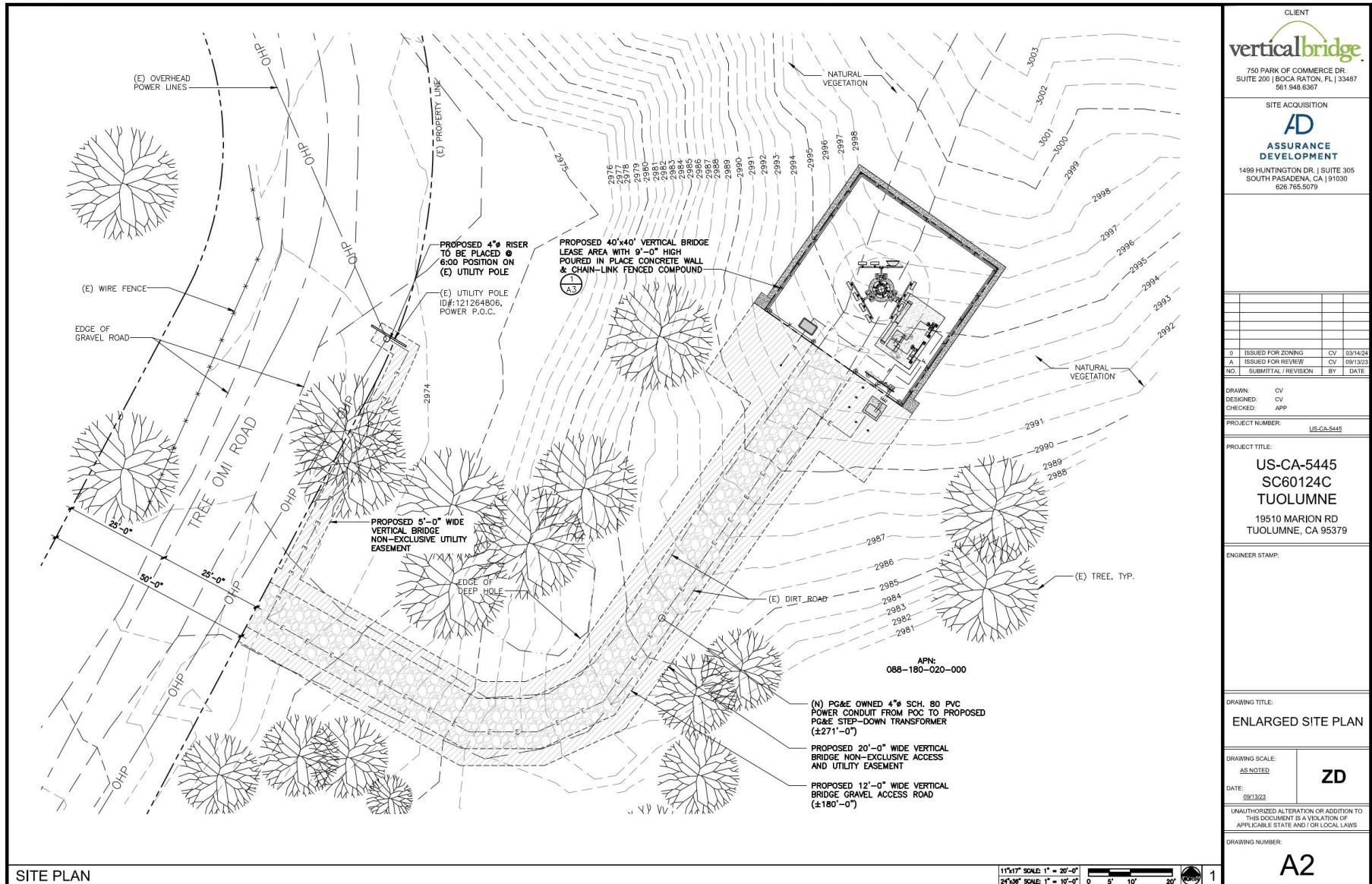
Current General Plan Designation: RR

Project Description: Conditional Use Permit to allow the construction of a new 85 ± foot tall wireless communications tower and related equipment within a 40 ± foot by 40 ± foot fenced area.

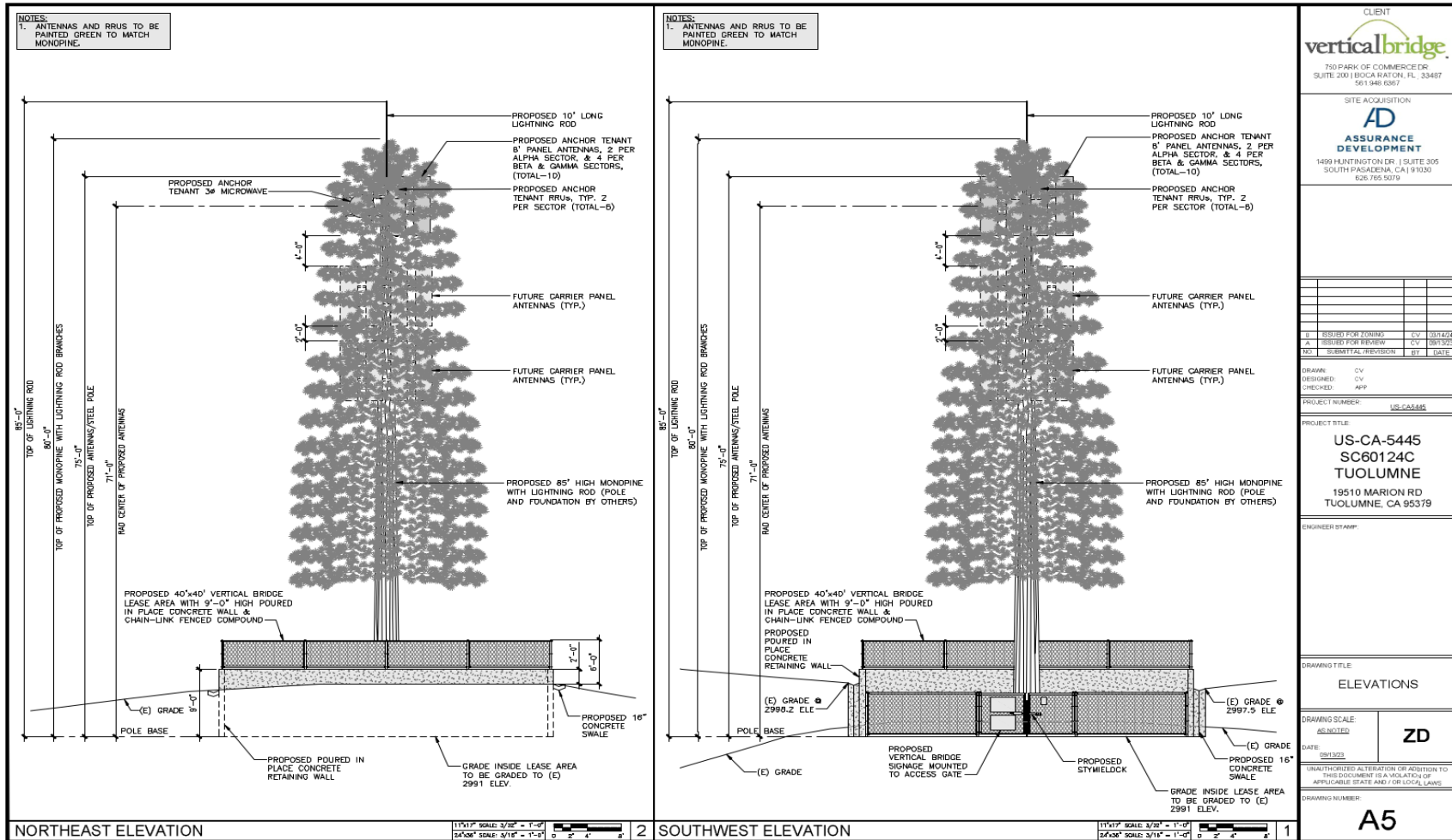
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Date Saved: 5/15/2024 10:23

Attachment 2: Site Plan



Attachment 3: Elevations



CLIENT

verticalbridge

750 PARK OF COMMERCE DR.
SUITE 200 | BOCA RATON, FL 33487
561.948.6367

SITE ACQUISITION

AD

ASSURANCE DEVELOPMENT

1400 HUNTINGTON DR. | SUITE 305
SOUTH PASADENA, CA 91030
626.765.5079

B	ISSUED FOR ZONING	CV	03/14/24
A	ISSUED FOR REVIEW	CV	08/13/23
NO	SUBMITTAL REVISION	BT	DATE

DRAWN: CV
DESIGNED: CV
CHECKED: APP

PROJECT NUMBER: US-CA5445

PROJECT TITLE:

**US-CA-5445
SC60124C
TUOLUMNE**

19510 MARION RD
TUOLUMNE, CA 95379

ENGINEER STAMP:

DRAWING TITLE:

ELEVATIONS

DRAWING SCALE:
AS NOTED

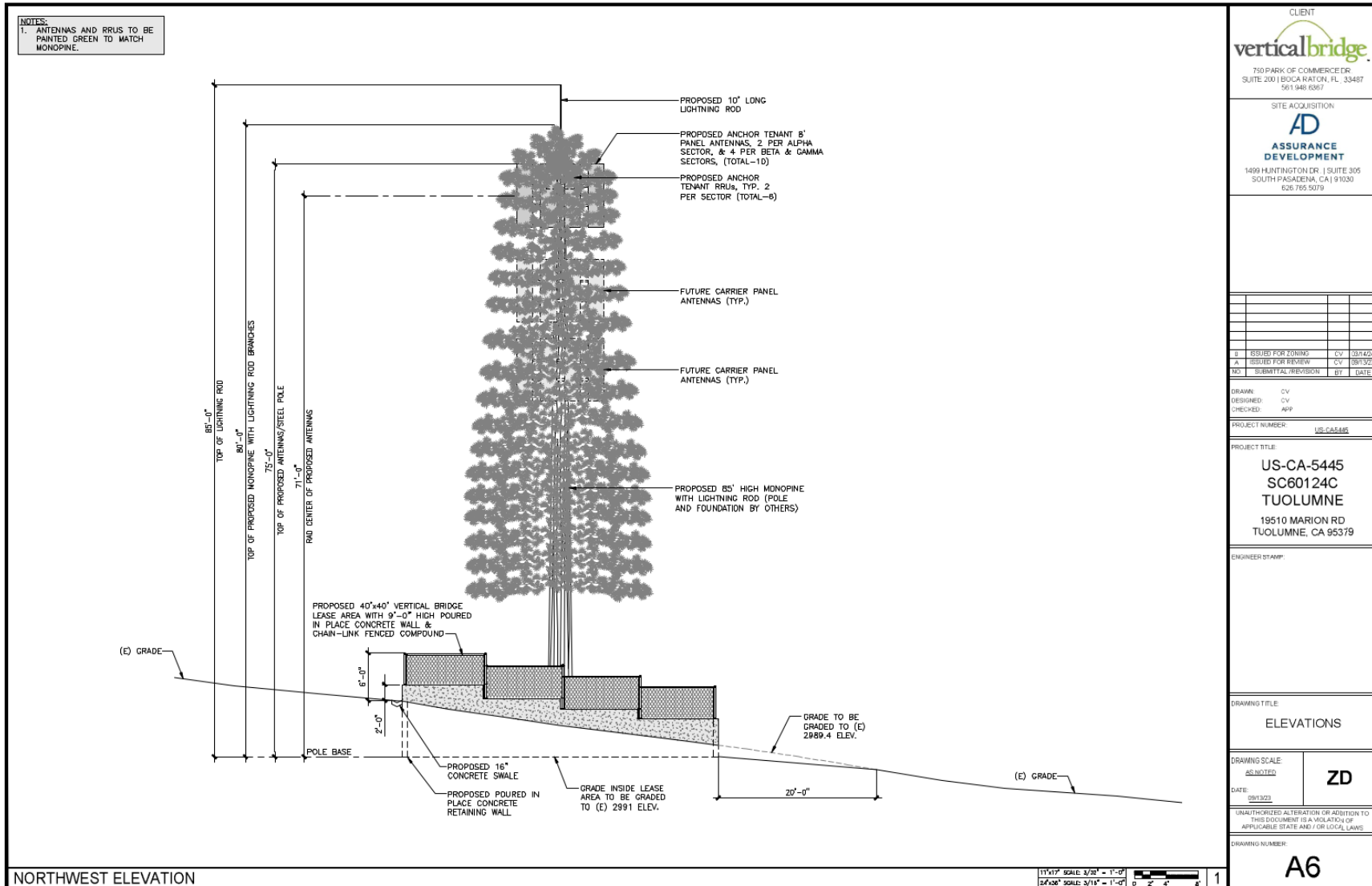
DATE: 08/13/23

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND / OR LOCAL LAWS

DRAWING NUMBER:

A5

BROCKMIRE



BROCKMIRE

Attachment 4: Visual Simulations

AERIAL MAP



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PROPOSED



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PHOTO PROVIDED BY: ASSURANCE DEVELOPMENT



CONTACT: JEFFREY W. DRAFT
PHONE: 408.229.2842
WWW.DRAFTLINK.COM



NO.	DATE	REVISIONS	BY
0	11/15/23	ISSUED FOR SUBMITTAL	JFY



**US-CA-5445
TUOLUMNE**
19510 MARION ROAD
TUOLUMNE, CA 95379

VIEW	SHEET
A	1 / 4

AERIAL MAP



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EXISTING



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TUOLUMNE
19510 MARION ROAD
TUOLUMNE, CA 95379

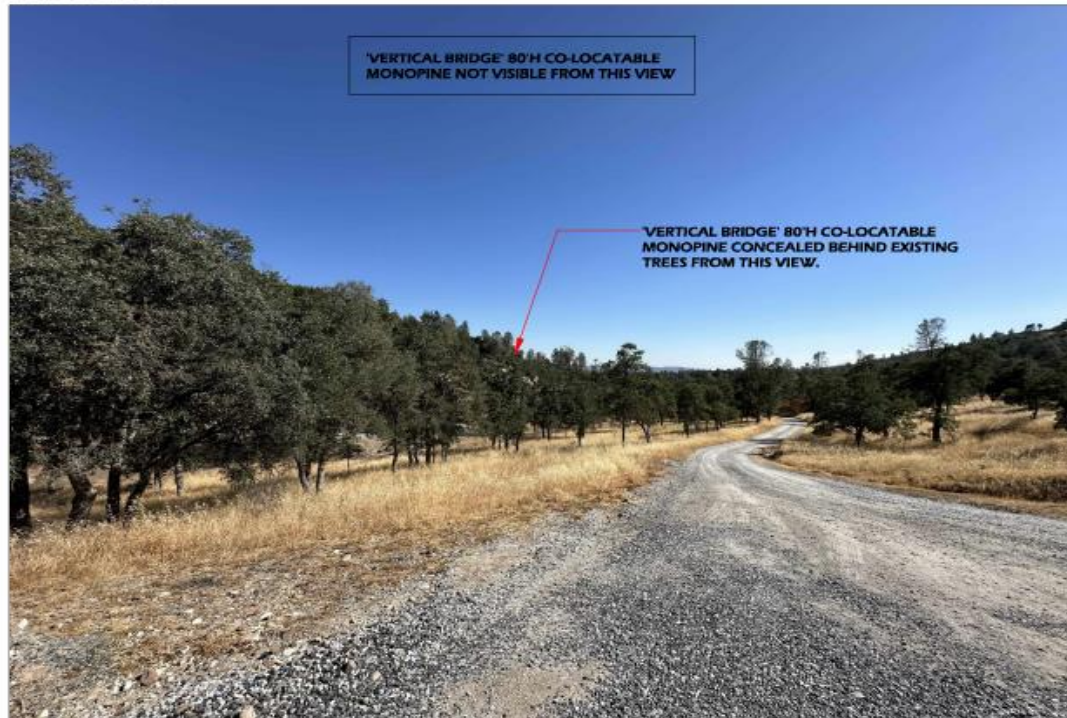
VIEW	SHEET
B	2 / 4

AERIAL MAP



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EXISTING



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NO.	DATE	REVISIONS	BY
0	11/15/23	ISSUED FOR SUBMITTAL	JTY



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TUOLUMNE
19510 MARION ROAD
TUOLUMNE, CA 95379

VIEW	SHEET
C	3 / 4

AERIAL MAP



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EXISTING



PROPOSED



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PHOTO PROVIDED BY: ASSURANCE DEVELOPMENT

 DRAFTLINK CONTACT: JOYCE YU EMAIL: JOYCE@DRAFTLINK.COM PHONE: 909.222.5045 WWW.DRAFTLINK.COM	 AD ASSURANCE DEVELOPMENT	NO.	DATE	REVISIONS	BY
		0	11/15/23	ISSUED FOR SUBMITTAL	JFY

verticalbridge

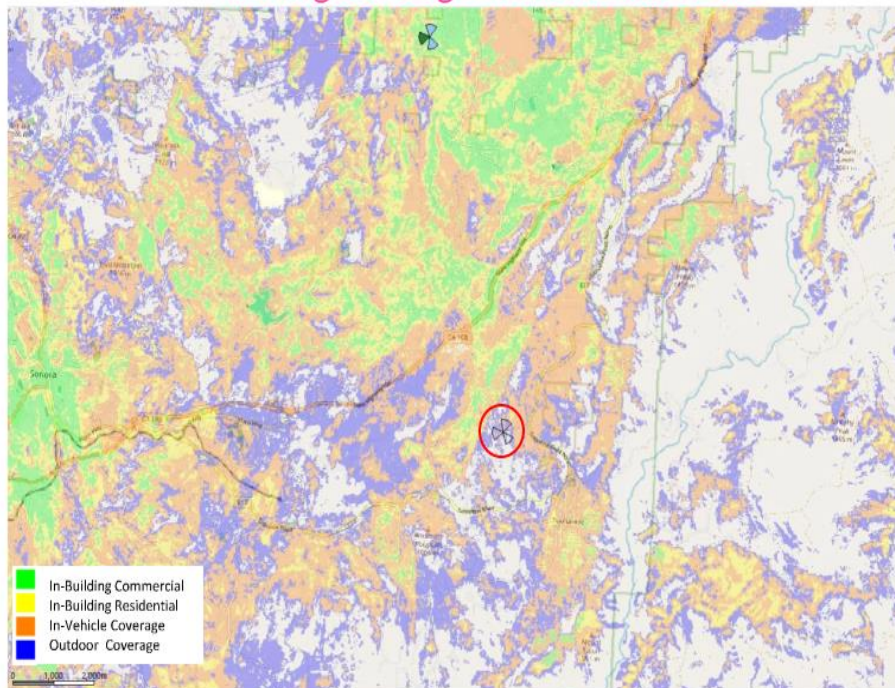
US-CA-5445
TUOLUMNE
19510 MARION ROAD
TUOLUMNE, CA 95379

VIEW	SHEET
D	4 / 4

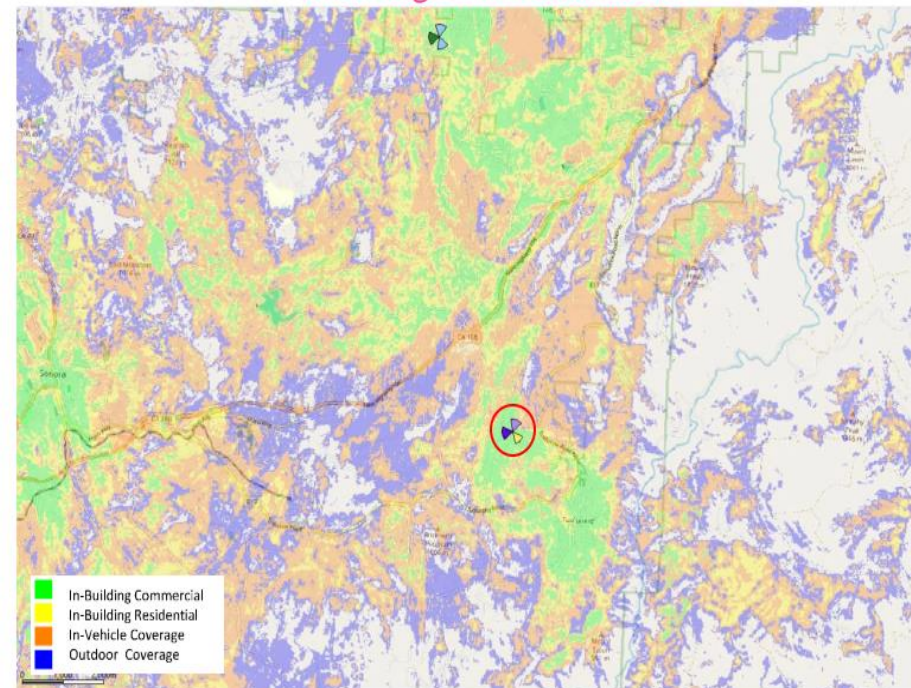
Attachment 5: Coverage Service Maps

SC60124C – (With vs Without)

Existing Coverage Without SC60124C



Coverage With SC60124C

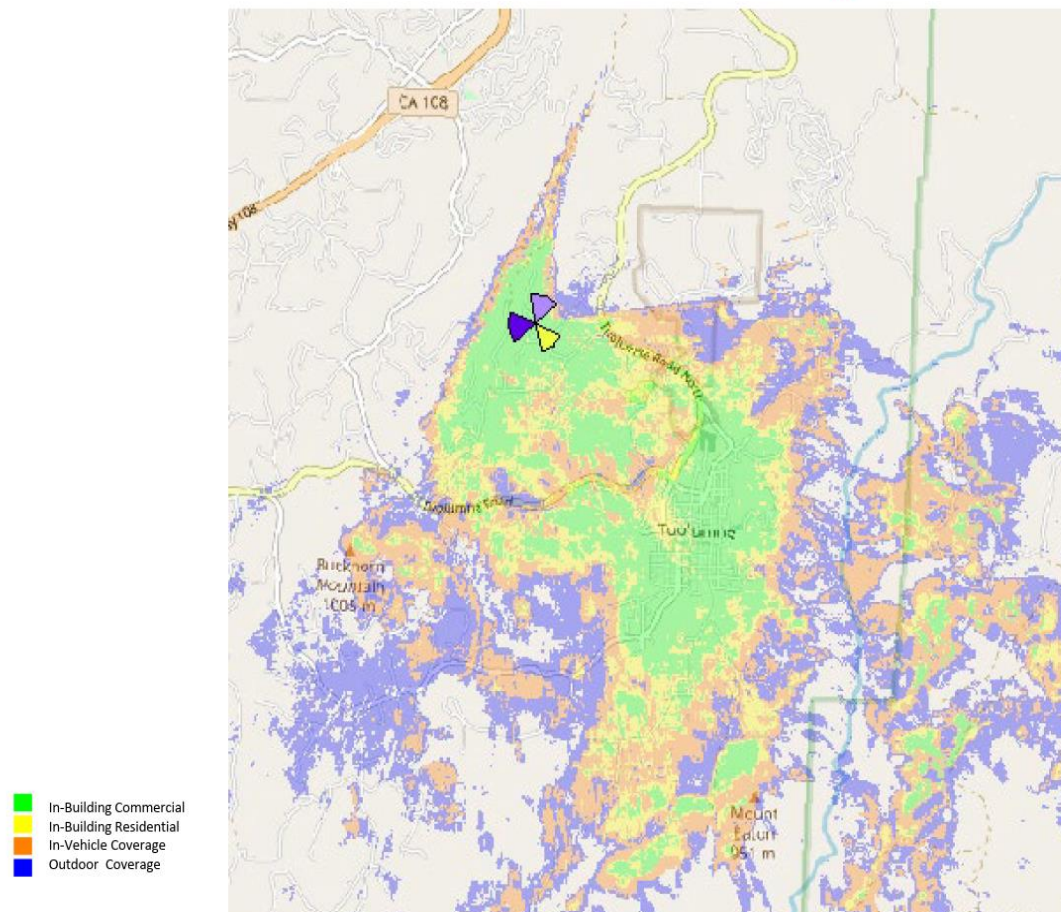


Prediction	Legend	Population (Population)	Population (%Population)	Population (Population [total])
SC60124C Existing		30,807	93.7	32,879
IBC: -95dBm < RSRP		6,656	20.24	32,879
IBR: -100dBm < RSRP < -95dBm		7,077	21.52	32,879
In-Vehicle: -108dBm < RSRP < -100dBm		12,967	39.44	32,879
Outdoor: -115dBm < RSRP < -108dBm		4,107	12.49	32,879
				13,733

Prediction	Legend	Population (Population)	Population (%Population)	Population (Population [total])
SC60124C With		31,043	94.42	32,879
IBC: -95dBm < RSRP		8,216	24.99	32,879
IBR: -100dBm < RSRP < -95dBm		7,134	21.7	32,879
In-Vehicle: -108dBm < RSRP < -100dBm		11,606	35.3	32,879
Outdoor: -115dBm < RSRP < -108dBm		4,087	12.43	32,879
				15,350

SC60124C

SC60124C Standalone Coverage





Department of Public Works

Kim MacFarlane, P.E.
Director
Blossom Scott-Heim, P.E.
Assistant Director

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209.533.5601
www.tuolumnecounty.ca.gov

MEMORANDUM

Date: March 11, 2024

To: Joshua Wozynski, Planner I

From: Blossom Scott-Heim, P.E., Assistant Director *BSH*
Dave Ruby, AICP, Engineer II *DR*

Re: LUNR-24-4
Assessor's Parcel No.: 088-180-020

This project seeks to develop an 80-foot-tall monopine cell tower within a fenced 40-foot by 40-foot area of a 24.37-acre existing parcel (APN 088-18-020), north of the community of Tuolumne City. The parcel is zoned RE-5 (Residential Estate, 5-acre minimum), and the proposed cell tower facility would be entitled, according to Tuolumne County Ordinance Code Section 17.53.040, via a Site Development Permit.

The project's Stakeholder Notification identifies existing utilities provided on the site as Tuolumne Utilities District (TUD) domestic water and sanitary sewer services. In actuality, TUD supplies water to the parcel via a domestic service, drawn off Marion Road at the extreme southeast corner of the parcel, and there is no TUD sanitary sewer facility in the vicinity. It is presumed that PG&E electricity serves the site; site plans indicate a connection to a PG&E transformer. The project does not identify any need to connect to, or provide for water or sanitary sewer services. It is unclear whether there is any need for, or provision of, fire suppression resources at the site, such as fire water. Many if not most cell tower facilities contain a backup power generator and a quantity of combustible fuel for said generator. The application documents for this entitlement permit do not indicate the presence of any sort of fuel storage or generator.

The plans submitted do not show grading impacts for the antenna enclosure, antenna footings or base, or driveway. A Grading Permit may be required, subject to the submission and approval of Grading Plans.

No mapped waterway of the United States of America (per the online National Wetlands Inventory mapping accessed at <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>) is located in or near the site.

The access driveway for this unmanned facility would connect to the public road system via Tre Omi Road, a privately-maintained road not in the County's network. A 12' wide dirt access road is shown on the submitted plans, located from Tre Omi Road to the cell tower enclosure approximately 200 feet to the northeast. This driveway is proposed to be located within a new 20-foot-wide access and utility easement. The access driveway should meet current State Board of Forestry technical standards for dimensional width, gradient, materials, and weight capacity so that fire apparatus can safely access the site. Due to the driveway length, additional widening or turnouts may need to be provided. These details should be verified by the County's Fire Prevention Department staff.

ADMINISTRATION
Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS
Airport Manager
Tonya Scheftner, P.G.
209.533.5685

BUSINESS
Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING
Assistant Director
Blossom Scott-Heim, P.E.
209.533.5904

FLEET SERVICES
Fleet Services Manager
Orlando Magdaleno
209.536.1622

**GEOGRAPHIC
INFORMATION
SYSTEMS**
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Superintendent of
Roads and Fleet
Mike Cognetti
209.533.5609

SOLID WASTE
Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

The following conditions apply to this Conditional Use Permit:

1. A Grading Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval (TCOC, Section 12.20.140).
2. Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction related storm water discharge and the State Water Resources Control Board Water Permitting Unit shall be contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain and NOI or an exemption from requirements.
3. A Grading Permit shall be obtained from the Engineering Division of the Department of Public Works prior to any grading (TCOC, Section 12.20.050).
4. Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site (TCOC, Section 12.20.270-280).

Also provide a 15-foot wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180).

5. Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress (TCOC, Section 12.20).
6. All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).
7. The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).
8. All parking areas and traveled ways on the site shall be paved (TCOC, Section 17.60.070 C).
9. Commercial driveways, meeting the requirements of Title 11 for onsite roads must be paved and extended to within 150 feet of all portions of all buildings (TCOC, Section 11.16.020).
10. Drainage improvements shall be installed in accordance with approved drainage plans. (TCOC Sections 11.04, 11.12, 16.26.180)
11. Exposed serpentine gravel is prohibited on the construction site. (17 California Code of Regulations, Section 93106)

12. The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at other intervals, as need dictates, to control dust (TCOC, Section 12.20.370).

March 22, 2024

Joshua Wozynski, Planner I
Tuolumne County Community Development Department
2 South Green Street
Sonora, CA 95370

RE: Tuolumne County Air Pollution Control District (District) Comments – Conditional Use Permit LUNR-24-4

Dear Mr. Wozynski,

The Tuolumne County Air Pollution Control District (District) is providing the following comments for the Conditional Use Permit LUNR-24-4 to allow the installation of an unmanned Wireless Communications Facility consisting of a 100 ft tall monopine and associated equipment within a 40 ft by 40 ft fenced lease area on Assessor's Parcel Number 088-188-020, located approximately 570 ft southeast of the intersection of Tre Omi Road and Moeller Road, Tuolumne County.

1. Any construction or site activities that create fugitive dust emissions shall implement dust suppression methods using either water or chemical stabilizer/suppressants. A water truck or other dust suppression equipment shall be on site at all times. The frequency of dust suppression measures shall be dependent on whether visible dust emissions are present. (TCAPCD Rule 505 - *Conditional Approval*)
2. Should serpentine or ultramafic rock be found on site, a Dust Mitigation Plan pursuant to Air District Rule 908 - *Asbestos ATCM*, shall be submitted to the Air District prior to any building or site work. (TCAPCD ATCM 908 - *Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations*)
3. Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D) (3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.
 - a. Requirements for Road Construction and Road Maintenance Activities:
 - i. Equipment and operations must not cause any visible dust crossing project boundaries;
 - ii. Unpaved roads, area subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
 - iii. Construction vehicle speeds shall be limited to 15 mph; and
 - iv. Track out from any road construction project is prohibited on any paved public roadway.

4. Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (*California Health and Safety Code, Sections 93105 and 93106*)
5. Any aggregate rock used for surfacing material that contains greater than 0.25% asbestos shall be incorporated into or completely covered by asphalt concrete, Portland cement concrete, or other similarly cemented material. (TCAPCD ATCM 904 - *Asbestos ATCM for Surfacing Applications*)
6. Existing county or State paved roads and streets adjacent to the construction site shall be cleaned as necessary to limit track out and prevent fugitive dust. (TCAPCD Rule 505 - *Conditional Approval*)
7. Open burning of vegetation for land clearing purposes shall be prohibited without a valid burn permit from the District. (TCAPCD Rule 310.2(A) - *Land Development Clearing*)
8. CARB mobile equipment regulations shall be adhered to for all diesel fired mobile sources used at this site during construction. (CCR Title 13 Section 2449 et al)
9. Any diesel fired portable equipment used at this site during construction shall comply with the *ATCM for Diesel PM from Portable Engines Rated at 50 BHP or Greater*. (CCR Title 17 Section 93116)

If you have any questions or need additional information, please call me at (209) 533-6678 or email to krasmussen@co.tuolumne.ca.us.

Sincerely,

Kent Rasmussen
Air Pollution Control Specialist
Tuolumne County Air Pollution Control District

c. Kelle Schroeder, Air Pollution Control Officer

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



March 11, 2024

Joshua Wozynski
Planner I
Tuolumne Community
Development Department
2 S. Green Street
Sonora, CA 95370

TUO-108-PM 7.406
Conditional Use Permit
LUNR-24-4
Brockmire

Dear Mr. Wozynski,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Conditional Use Permit LUNR-24-4 to allow the installation of an unmanned Wireless Communications Facility located approximately 570 feet southeast of the intersection of Tre Omi Road and Moeller Road in the community of Sonora.

Caltrans has the following comments:

We do not have any comments at this time. The potential project will not impact the State Route (SR) based on the project type and distance to the nearest State Route.

Encroachment Permits

If any future project activities encroach into Caltrans Right-of-Way (ROW), the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Joshua Wozynski
March 11, 2024
Page 2

Please contact David Karnes at (209) 986-9830 (david.karnes@dot.ca.gov), or me at (209) 483-7234 (Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,

Gregoria Ponce'

Gregoria Ponce'
Chief, Office of Rural Planning

C: Quincy Yaley, Director

2. The California Natural Diversity Database indicates that the special status species Tuolumne button celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site.
3. Current site conditions consist of one residential structure on the eastern side of the parcel.

Staff Contact: Joshua Wozynski, Planner I
Phone: (209) 533-5625
Email: jwozynski@co.tuolumne.ca.us

COMMENTS: The monopine bears little or no resemblance to the vegetation in the area. Please explore with the applicant other designs such as one that is fuller and resembles an oak tree.

Sharon Marovich, Chair
Tuolumne Heritage Committee

- Please return your comments to the CDD by **March 22, 2024**.

.....

COMMENTS: No comments

.....

will not contribute to any traffic.

2. The California Natural Diversity Database indicates that the special status species Tuolumne button celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site.
3. Current site conditions consist of one residential structure on the eastern side of the parcel.

Please return your comments to the CDD by **March 22, 2024**.

Staff Contact: Joshua Wozynski, Planner I

Phone: (209) 533-5625

Email: jwozynski@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: Ben - John Cewer

COMMENTS: We have lived in our home for 32 years. The primary reason we built where we did was for the view to the North, East and South the building site afforded. It was not the easiest place to build but it was worth it and I revel in the view. Over the years we have selectively removed trees to maintain the unobstructed view of Mt. Diablo and the intervening hills with their changing seasons. The proposed tower will sit as a "sore thumb" directly in that view. It will be unavoidable and a prospect I do not like. I also respect private property and its use, but it will have an unmistakable impact on the area. Local property values will also be unavoidably impacted. Thank you for this opportunity to comment.

will not contribute to any traffic.

2. The California Natural Diversity Database indicates that the special status species Tuolumne button celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site.
3. Current site conditions consist of one residential structure on the eastern side of the parcel.

Please return your comments to the CDD by **March 22, 2024**.

Staff Contact: Joshua Wozynski, Planner I
Phone: (209) 533-5625
Email: jwozynski@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: _____

COMMENTS: The price of progress in
our area will not be welcomed
by us.

This eighty foot structure will be
directly in our panoramic view.

We built our home in the mid 1980's
for this beautiful view and would
like it to stay that way.

Martha Cozzi

will not contribute to any traffic.

2. The California Natural Diversity Database indicates that the special status species Tuolumne button celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site.

3. Current site conditions consist of one residential structure on the eastern side of the parcel.

Please return your comments to the CDD by **March 22, 2024**.

Staff Contact: Joshua Wozynski, Planner I
Phone: (209) 533-5625
Email: jwozynski@co.tuolumne.ca.us

March 22, 2024

AGENCY/INDIVIDUAL: _____

COMMENTS: I'm ok. with the wireless
communities Communications Facility, if
there is no harm to the button Celery
+ to people in this area.
Also it would be only right if
they would keep the road in good condition
from the paved part the Indians put in
to where the Communications Facility is
being being put in!
Please consider these questions +
requests

Aditya Limdi

Community Development
Department

MAR 28 2024

RECEIVED

CDD

Sonora, CA 95370

Attn: Joshua Wozynski

March 20, 2024

Dear Mr. Wozynski

My name is David Johnson, I am a resident at 19707 Moeller Rd. Tuolumne.

In reference to the tower project **LUNR-24-4** at Triomi Rd. and Moeller Rd. Tuolumne, my concerns are both Visual and Health/ Safety related.

Visual: Although the tower is not visible from our house it is visible from most of the property. With the closure of Moeller Rd at Nonies Rd., we are forced to use Triomi Rd. as an exit of the neighborhood. As in the photos provided on sheet 1-4, from the provided package, the visual impact is highly obvious and an eyesore. I feel that this is also a negative impact to our lifestyle and property values.

Health: Along with Health concerns to Humans and pets, this neighborhood consists of: Horses, sheep, chickens, cattle, and other various wildlife.

Safety: The location of this project is to be built on some lava cap and is above a mining tunnel. This is a concern that blasting may be required for the structural and sitework.

Although this project could be beneficial to the property owner, unfortunately I feel this project will be a negative impact to the adjoining properties.

Therefore, I am opposing this project.

Sincerely.

David Johnson

Joshua Wozynski

From: jaytip10 <jaytip10@gmail.com>
Sent: Wednesday, April 3, 2024 8:42 AM
To: Joshua Wozynski
Cc: Jenny Tipton
Subject: Cell Tower

Follow Up Flag: Follow up
Flag Status: Flagged

Josh,

My apologies for the late email.

I live on Marion, off of Cherokee and Nonies roads.

I wish to vote “no” on the proposed cell tower project off of Treomni road.

Many thanks,

Jay Tipton
209-996-9801

Joshua Wozynski

From: Jenny Tipton <jentip10@yahoo.com>
Sent: Monday, March 18, 2024 9:22 PM
To: Joshua Wozynski
Subject: US-CA-5445 19510 Marion Rd

Dear Joshua Wozynski,

I strongly oppose the 100' monopine communications tower on the property of my neighbor on Marion Rd in Tuolumne, CA.

I speak on behalf of myself and my family, including my 3 children who live next door to the proposed project.

My biggest concern about the tower is the harmful effects it may have on the people and animals that live within close proximity to it. Do we really know the extent of harm that the microwaves may have to the healthy growth and development of growing children? I don't want my family to be the Guinea pigs for this experiment.

Not only is this an eyesore that will devalue my home and property, but it will decrease my ability to sell my home in the future. No potential buyer is going to want a view of a super tall fake tree that gives off harmful waves. A 100' fake tree tower in the middle of a residential area is completely ludicrous. I can't imagine many neighbors in this area being in favor of such a monstrosity. It devalues the natural beauty of our neighborhood.

I strongly hope that the pleadings of a mother and neighbor will be considered in these plans.

Again, I STRONGLY oppose this tower.

Thank you for your time,
Jenny Tipton
19551 Marion Rd, Tuolumne CA

Sent from my iPhone

Joshua Wozynski

From: Bill Betzler <bdbetzler@msn.com>
Sent: Friday, March 22, 2024 11:44 AM
To: Joshua Wozynski
Cc: Anaiah Kirk
Subject: Conditional Use Permit LUNR-24-4
Attachments: SOUTHERN VIEW FROM THE HISTORIC LOUISIANA MINE SITE ON MY PROPERTY -
LOOKING DIRECTLY AT THE PROPOSED COMMUNICATION FACILITY.JPG; NEAR
SURFACE HISTORIC MINING TUNNEL RUNNING NORTH TO SOUTH UNDER THE
PROPOSED COMMUNICATION FACILITY.jpg; LOUISIANA MINE MOD1.jpeg; The Kill
Zones, USA.pdf; LUNR-24-4_Stakeholder Letter Final.pdf

Thursday, March 21st, 2024 4:33pm

COMMENTS ON THE NOTICE WE RECIEVED ON 03/12/2024:
Conditional Use Permit LUNR-24-4
Assessor's Parcel Number: 088-180-020

Hello Mr. Wozynski and the Tuolumne County CDD,

We are writing to you in regards to the notice that we received, for the proposed communications facility on APN: 088-180-020.

My property address is 19585 Tre Omi road, Tuolumne, which is an adjoining parcel to the proposed project site.

My wife and I are extremely opposed to the development of this project.

Before purchasing our property at 19585 Tre Omi road in 2006, and constructing our home, we backed-out of purchasing a different property. The other property had communication towers in very close proximity to that building site. We researched the harmful effects of the frequencies from these types of communication devices, and made our decision that we did not want to live next to one of these sites.

We live in a beautiful and quiet neighborhood, and would prefer to keep it that way. This facility would be an eyesore added to the existing landscape, and would be extremely visible from the only ingress and egress of our, and multiple other homes.

It is also a fact that residential property values decrease, when these communication facilities are intruded into residential neighborhoods.

The monopipe and equipment would be located approximately 150' from our property line, 250' from our water well, 250' from the historic mining site on our property, and 350' from our house. Please see the attached photo of the proposed communication site, which is the view from the historic mine site on our property.

We have a registered farm on our property, and are very concerned about our animals as well as the native animals in our area. We currently have horses, sheep, guardian dogs, chickens, and a cat that would be constantly in direct line of sight of the proposed communication devices.

I believe our neighbors will be addressing this issue as well, and there are many readily available documented studies on the ill-effects that these radio frequencies have on humans and animals.

I have attached an interesting document regarding a study on the health effects of cell towers, titled: "The kill Zones, USA". It is an older document, so 5G is not addressed.

NOTE: The types of devices that would be transmitting and/or receiving frequencies, and the types/range of the frequencies that would be emitted or received, are not disclosed in the documents that we were provided. We cannot provide specific studies, as we are uninformed as to what would actually be installed next to our home.

The site plan notes, that grading would be done to achieve the foundation for the structure. The proposed site is located on a lava-cap, and there is a historic mining tunnel that runs N<->S just beneath the lava cap under this site (see the attached photo of the tunnel). There is also a significant series of tunnels further beneath this site, that interconnect with the mine shaft on our property (see the attached map drawing from October 29th 1914).

We have concern that if blasting or grinding is needed achieve grading on this site, it will disturb the historic mine tunnel just beneath the lava, and could possibly have an impact on our water well, being in close proximity.

The permit application states that we live in a very high fire hazard severity zone. The proposed facility would be located very close to Tre Omi road, which is the only ingress and egress of multiple homes, as Moeller road is no longer directly accessible to or from Nonies road. If the proposed facility would/could potentially create any possibility of added threat of catastrophic wildfire, it could contribute to the threat of loss of life and/or property damage.

Questions of concern:

1. What is the method of grading for the concrete foundation?
2. Would the power for the facility going to be overhead, or underground?
3. What are the terms of the lease on this site?
4. Would the lessee be permitted use this site for any purposes other than wireless communications?
5. Would the lessee be permitted to sub-lease this site to another party or business?
6. Do the current land owners also own the mineral rights to this property? If not, was the mineral rights owner notified about this proposed facility?
7. Would this proposed facility create any possibility of added threat of catastrophic wildfire to our area?
8. Is the Tuolumne County CDD aware of the many documented studies, by doctors and scientists, on the ill-effects that constant exposure to different types/ranges of radio frequencies and associated radiation have on humans and animals?

Our District Supervisor (Anaiah Kirk) is the CC on this emailed letter.

Thank you for taking our concerns into consideration,

Donald and Amanda Betzler
19585 Tre Omi road
Tuolumne, Ca. 95379-1224

Don office: 209-588-8268
Don cell: 209-890-5038
Amanda cell: 209-743-6069





The Kill Zones, USA

http://wi-cancer.info/the_kill_zones_usa.aspx

Documented Information About Cell Towers and Health Effects

Medical researchers with Masaryk University of Czech Republic and the National Academy of Sciences of Ukraine, 2011: "Population living in the area nearby (up to 350 meters) the cell phone base transmitting station (850 MHz 1500 Watts of full power) during one year of operation and matched individuals from other areas have been compared in Israel. There were 4.15 times more cases of cancer in the transmitter station area than in the rest of the city. Relative cancer rates for females were 10.5 times higher in close to the station area, 0.6 for control area and 1.0 for the whole town....Keeping in mind that a very significant increase in cancer took place during only a one year period, the authors of the study suggested that microwave could provoke latent cases of cancer in inhabitants of the area nearby the transmitting station." [1]

Dr. Martin Blank, College of Physicians and Surgeons, Columbia University: "Since we know that an accumulation of changes or mutations in DNA is associated with cancer, there is good reason to believe that the elevated rates of cancers among persons living near radio towers are probably linked to DNA damage caused by EMF." [2]

With Each New Antenna Installation, Another Neighborhood Bites the Dust



The above image, with the house seemingly out of kilter, illustrates the Wi-American Dream. The garish fake palm tree is a cell tower loaded with powerful radio antennas. A number of Wi-providers have co-located their antennas on the pole, which guarantees high-frequency electromagnetic toxicity in this residential area. Some of the antennas *send* pulsed, modulated microwave signals and others *receive* signals in order to accommodate voice and data requirements of mobile wireless devices operated by the public at large. Cell towers are infamous for depreciating the value of residential properties up to 20 percent or more. The depreciation of human health is even more pernicious.

The microwave frequencies flowing from most US commercial cell towers are generally between 700 megahertz (700 million hertz) to 5 gigahertz (5 billion hertz). All frequencies in this

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx

Documented Information About Cell Towers and Health Effects

detectors confirm that flimsy construction materials *offer no protection* against the complex wave forms blasting perpetually into buildings and into all living flesh.



In urban and suburban areas, many commercial antenna systems are sited one on top of another because 4G LTE smart phones and tablets, transceiving for hours each day in the hands of even the youngest of Americans, are exponentially increasing the demand for wireless data capacity. Increasingly common is the sight of two or more towers clustered together in residential areas, with reports of up to *six in a cluster* in the metropolitan area of Phoenix-Scottsdale-Mesa, Arizona. Within each square urban mile, there can be hundreds or even thousands of macro panel (sector) antennas, whip and small-cell antennas, WAN and LAN Wi-Fi antennas, plus smart meter network antennas spewing multiple microwave channel frequencies delivered in a variety of pulsed signal modulations and power densities.

By 2012, the US wireless industry was valued at \$195.5 billion: "which is larger than publishing, agriculture, hotels and lodging, air transportation, motion pictures and recording, and motor vehicle manufacturing industry segments. It rivals the computer design services and oil and gas extraction industries." [7] Wi-antenna installations are veritable gold mines for the industry. Over the years, each installation churns out multi-millions of dollars in Easy Money for a thick network of radiation peddlers. Therefore, the industry is pleased to erect thousands more of these weapons annually. The momentum is breathtaking. AntennaSearch.Com offers a comparison count of RF/microwave installations across the USA delivering relentless wave carcinogen to 321 million Americans. These numbers do not include millions of Wi-Fi antennas, nor the huge number of military and other radar installations. [8]

Microwave Antenna Towers: July 2014: 547, 549
June 2015: 575, 256 January 2016: 594, 309

Antennas: July 2014: 1,706,048 June 2015: 1,763,574
January 2016: 1,805,623

an act of war. [13] Bennett uses infrared imaging to illustrate what he calls the "horrificing physiological effects" of microwave interaction with human bodies. Non-thermal microwave radiation is shown on a thermograph as capable of generating "hot spots" all over the body. Consistent reports of cell tower sickness from many nations across the world confirm that wireless radiation, flowing to and from Wi-antennas, is an advancement in slow-delivery lethality. In the Microwave Age, silent but poisonous frequencies have replaced bullets and bombs.



Wi-antenna pollution is comprised of the following complex electromagnetic components, each of which exert measurable and potent biological effects on people, animals and plants:

- **polarization of the waves (vertical or horizontal propagation)**
- **power densities of propagated waves**
- **current drawn from the core power supply**
- **pulsed fields with duty cycles**
- **numerous variations of pulse width, pulse shape, pulse amplitude**
- **static magnetic fields**
- **electromagnetic stray fields**
- **duty factors**
- **burst mechanisms for time division multiple access**
- **hundreds of different frequency channels**

Radiation experts with the Russian National Committee on Non-Ionizing Radiation Protection (RussCNIRP) confirm how little we know about the wave toxicity from Wi-antenna systems: "So far, most of the real MW [microwave] signals that are in use in mobile communication have not been tested for adverse effects. Very little research has been done with real signals and for durations and intermittences of exposure that are relevant to chronic exposures from mobile communication. In some studies, so-called 'mobile communication-like' signals were investigated that in fact were different from the real exposure in such important parameters as carrier frequency, modulation, polarization, duration and intermittence. To what degree such studies are relevant to evaluation of health risks from MW of mobile communication is not known. For example, GSM users are exposed to MW at different carrier frequencies during their talks... The base station can change the frequency [through a selection of many

blast that doodle through a Wi-tower on its way to another Apple Watch.
survival of the human species be more important than that?!



Cell tower antennas, now hugely overwhelmed by data flow demands, are certain to multiply exponentially, thanks in part to burgeoning drone (UAV) technologies. New and toxic gigahertz antenna frequencies, urgently sought by wireless providers at auction, will be needed to accommodate the overload. Every American male under 40 is informed that he needs an expensive toy drone with which to spy on his neighbors, harass the wildlife and endanger crowds of bystanders. Tens of thousands of commercial companies and law enforcement agencies are slated to fly drones everywhere across the USA. Tech titans like Amazon and Google are preparing to launch massive drone fleets to deliver packages. Many civilian drone systems utilize smart phones and tablets as control units. Gumming up the airspace with countless thousands of electronic time bombs requires torrents of RF/microwave radiation flowing perpetually between the UAVs, their wireless control systems and microwave antenna towers. By December 2015, *The Economist* noted that complaints about recreational UAVs interfering with regular air traffic have been running at over 100 a month and that American pilots reported some 700 close encounters with UAVs during the year 2015. The chaotic drone invasion is a potent illustration of how wireless radiation technologies + a completely amoral society devoid of common sense = BIG TROUBLE.

When the wireless rollout began in the mid 80s, the lethality of microwave radiation was already well known and hugely documented by renowned scientists across the globe. Many individuals and municipalities, aware of the hazards of radio frequency emissions, were telling the tower and antenna boys: "Not in my back yard!" In response, the Wi-industry sponsored the infamous Telecommunications Act of 1996 (TCA) which was promptly rubber-stamped by the industry's greased palms within the US Congress. Constitutional attorney Gabriel North Seymour explains: "The telecom companies essentially bought and paid congress for the votes to pass this act, which they believed had absolute preemption over local zoning and planning regulations, taking local control of the placement of towers out of the hands of people who are going to live right next to them....Under the Telecom Act, and under the failure to set these safety standards, we are not safe." [20]

Through the Telecom Act of 1996, the Wi-radiation industry BECAME THE LAW. This law commands the American people:

coercion and falsification of his research by industry agents determined to obfuscate bio-research results unfavorable to Wi-technologies. Dr. Phillips has stated: "There is so much money involved, that the only thing the industry sees is the money. They couldn't give a damn about basic science." [24]

To add to the confusion, there is no federally-mandated radio-frequency exposure standard. [25] Dr. Slesin says that there are actually only two enforceable EMF exposure standards for microwave devices in the US: "One is for microwave ovens set by the FDA and the other is for cell phones set by the FCC." [26] Thus, the ray peddlers and the military run America's Wi-antenna show to their lucrative, self-serving and basically unregulated satisfaction. Here is the resulting deadly situation for everyone:

1. IEEE, a consortium loaded with agents representing industry and military interests, insists that public exposure guidelines must be based *only* on thermal (tissue-heating) considerations. (If the radiation doesn't catch your hair on fire, it's "safe.") IEEE exposure limits therefore allow RF/microwave antenna installations to irradiate the US population with a power density as high as 47 to 61 volts per square meter (580-1000uW/cm²), depending on the propagated frequencies involved. [27]
2. In the real world of flesh and blood, adverse biological effects from microwave radiation are documented by many studies at non-thermal power levels as low as .02 volts per meter (.00001 microwatts per centimeter squared.) Scientists who authored the BioInitiative Report 2012 recommend an outdoor exposure of no more than .6 volts per meter and they believe that the best precautionary level is even lower at .03 to .05 volts per meter. A team of medical researchers have now shown that microwave voltage at only .00675 volts per meter efficiently disables the human immune system. [28]
3. Numerous recent epidemiological studies show that populations chronically irradiated by cell tower antenna radiation report thirteen different categories of pathological symptoms and impairments, even at non-thermal power density levels as low as .0003 to 0.05 volts per meter. [29]
4. Therefore, the FCC's obsolete, IEEE-approved microwave public exposure limit of a whopping 47 to 61 volts per meter is absurd and demonstrably deadly to the public health. Yet, thanks to greed-driven politics, federal law now strictly legalizes, protects and enforces this genocidal travesty, allowing the Wi-industry to claim compliance with FCC regulations while it freely irradiates the entire nation at medically-indefensible power densities.

limited knowledge melded together by Cold War political and military concerns lie at the very foundations of the thermal paradigm." [34]

After abrupt passage of the TCA in 1996, a group of scientists and engineers, backed by the Communications Workers of America, filed suit in federal court. They asked the US Supreme Court to review both the FCC's dangerous exposure guidelines and the legality of a federal law that severely impedes state and local authority in the siting of hazardous transmitters. *But in 2001, the Supreme Court refused to hear the case.* The group's subsequent petition to the FCC asking the agency to bring its exposure guidelines current with the latest scientific data *was also denied.* [35]

In 1999, an interagency working group (RFIAWG), comprised of six federal agencies, took a hard look at FCC's microwave exposure guidelines and admitted that they "may not adequately protect the public." [36] RFIAWG identified 14 health-related issues needing resolution, including the issue of bio-effects from chronic RF/microwave exposure. [37] There has been virtually no FCC follow-up or resolution of any of these pending issues because the FCC, and the Wi-Mafia it protects, have proven to be an unchallengeable juggernaut thus far.

The president of the American Academy of Environmental Medicine (AEEM) warns: "People who live near cell towers are in jeopardy. The science is increasingly clear that there are biological effects from both acute and chronic exposures to non-thermal microwave radiation. It is essential we have a government that puts the public's health above commercial interests." [38] The FCC's exposure standards are absolutely obsolete, confirms Whitney North Seymour, Jr., former New York Senator and co-founder of the National Resources Defense Council. He says: "It is imperative members of Congress request the FCC update the obsolete cell tower safety guidelines to reflect current science." [39]

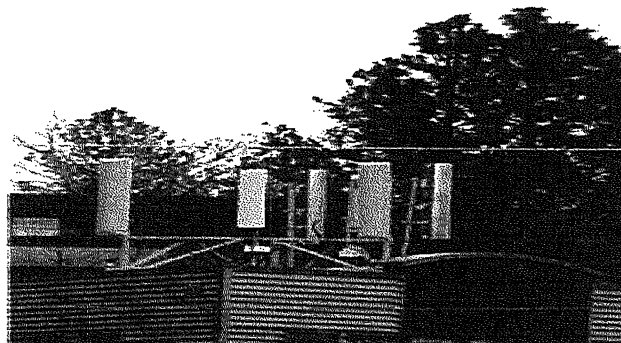
Naturally, such crucial advisement falls on stone deaf ears at the FCC, currently headed by the Wi-industry's most infamous lobbyist and cover-up specialist, Tom Wheeler. [40] Chairman Wheeler, seen below, is former head of CTIA, the Wi-industry's leading global trade organization. Wheeler's shoo-in appointment as the US Wi-radiation czar demonstrates how successfully the Wi-Mafia, with its extraordinary money and power, ensures that Wi-regulators and Wi-regulatees remain as one big, happy, microwave-enriched family. [WHEELER'S HISTORY HERE](#)



FCC Chairman Tom Wheeler

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx
Documented Information About Cell Towers and Health Effects

targets 120 degrees apart. [43] Site engineers have sole discretion on where to aim these most dangerous beams and no one challenges their omnipotence.



Most rooftop antennas, like those seen above, are even not registered with the FCC. Only antenna profiteers are privy to information about the variety of frequencies and the power density of the radiation emanating from them. Microwave detectors confirm that RF/microwave energy from rooftop antennas *routinely leak their radiation downward or sideways into the structures which support them*, creating carcinogenic hotspots *inside* where people live and work. [44] Metallic objects within these antenna buildings are often the hottest spots of all. Rooftop antennas also efficiently propagate massive radiation through windows and walls of adjacent buildings. Rooftop antennas highly endanger workmen and first responders who can be badly irradiated when compelled to work on or near these buildings. Advisors for the insurance industry warns that each year, at least 250,000 US workers come into dangerously close contact with these antennas, putting them at high risk for eye and brain damage, plus sterility. [45]

In 2013, concerned whistle-blowers reported that over 100 rooftop antenna sites in 23 states were found to be in violation of federal exposure guidelines. Some of these installations were documented to be emitting microwave radiation in excess of *600% over FCC's scientifically discredited exposure limits*. [46] Between 1996 and November 2015, the FCC had reportedly issued only two non-compliance citations. [47]

Finally in November 2015, after coming under duress from Senator Richard Blumenthal (D-Conn) and Rep. Anna Eshoo (D-Ca) regarding worker safety, the FCC levied a measly fine of \$60,000 against AT&T, a billion-dollar service provider, for a number of violations. These violations concerned three groups of AWS and PCS antennas located on top of an office building in Phoenix, Arizona. Ten months before this fine was levied, FCC agents from San Diego had assessed the situation after the building owner complained of improper antenna warning signs and easy public access to the antennas. While investigating, the inspectors discovered that not only was AT&T negligent in warning sign compliance and prevention of public access to the antennas, but also that the antennas themselves were in violation of FCC's deadly maximum permissible exposure (MPE) limit of 1000 microwatts per square centimeter (61 volts per meter). The antennas were found to exceed the MPE by 175 to 300 percent, a grievous violation that provoked a chicken-feed penalty of only \$10,000, according to the FCC's forfeiture notice for this case. [48] The forfeiture money paid by AT&T flows to the FCC, not to the unknown

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx

Documented Information About Cell Towers and Health Effects

for a group of cellular companies to install new equipment, designed to allow security officers, media personnel and fans to communicate without glitches or delays on Super Bowl Sunday.... More than 300 new cell antennas are up and running inside the Gila River Arena, where the Coyotes play. More than 200 are at the University of Phoenix Stadium, and 250 installed at the Renaissance Hotel. The new equipment will remain in place after Super Bowl Sunday, and continue boosting cell power for games and concerts for years to come." [50]

Thus we see that America's obsessive-compulsive need to irradiate the environment for frivolous entertainment and trivial social interaction requires that a sizeable percentage of the US population be rendered antenna-sick, with a profound threat to many lives. Every wireless phone call, text and video/movie/TV streaming session is another strike against the health and life force of antenna victims. No one has informed Wi-worshippers that, in order to gratify themselves with endless microwave diversions, they gravely impair not only their own health, but also the well-being of their entire civilization. The latest medical science is clear: carcinogenic cell antennas -- mounted both indoors and out -- have massive potential to create a sickly, neurologically-damaged, heavily-medicated population with an early expiration date.

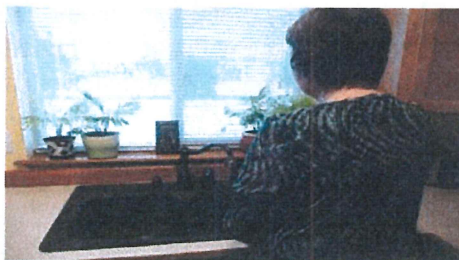
Because America's radiation addicts exert an ever-increasing demand for wireless voice and data, corporate ray-peddlers never sleep. Their armies work feverishly around the clock to birth new death ray technologies in order to bring carcinogenic antennas ever closer to home-- everyone's home. The ultimate goal, say visionaries, is the day when big cell towers actually become obsolete: "There's no reason why your cell phone is not the cell tower of the future," the founder of Parallel Wireless told CNBC in April 2014. "We're just on the cusp of chips coming out where a \$300 chip can power an entire cell tower. When you get that far, it's not much further to a scenario where when you're finished with your cellphone, you can hang it on the wall and it adds to the cellular network." [51] Naturally, the abhorrent health ramifications of such a powerful and far-reaching in-home radiation system is never mentioned by such visionaries.

Meantime, in order to keep a transmitting smart phone or tablet in the hands of every toddler and teen, the small cell antenna business is gaining momentum across the USA and Canada. Alcatel-Lucent has developed tiny "light radio" cube antennas, clusters of which can be hidden, both indoors and outdoors, where they can powerfully irradiate all living flesh at close range. Some of the tiny antennas being developed are reportedly powerful enough to propagate microwave carcinogen for a mile or more, and certainly directly into adjacent homes. [52] Seen below are microcell antennas mounted low to the ground on utility poles in residential neighborhoods. These small cell antennas are currently being used by telecom carriers to fill in signal gaps between large cell towers. The more Wi-lovers overload the system, the more these microwave-spewing DAS antennas will appear mere feet from doorsteps and window sills in neighborhoods everywhere. The worrisome readings listed below indicate that low-to-the-ground small cells are capable of irradiating the population at even higher power densities than some macro cell antennas mounted on high towers.



Most water towers across the USA support a variety of RF/microwave antennas. Preliminary research confirms that continually irradiating community water supplies with carcinogenic waves could be an additional contributing factor to the human suffering and disease reported in antenna KILL ZONES. Radiation expert Dr. Andrew Goldsworthy explains:

"Weak pulsed radiation is routinely used in "electronic" water conditioners to remove lime scales from plumbing....However, the treated water has biological effects similar to those from direct exposure to weak electromagnetic radiation, perhaps due to its removing calcium ions from cell membranes just as it removes lime scales from water pipes....There is a growing tendency to mount mobile phone base station antennas on water towers. This may seem convenient, but it carries a hidden risk because the radiation may also "condition" the water to make it biologically active which could have adverse effects on public health.....This needs urgent attention by the water companies since, unlike the mobile phone operators, they have no legal immunity from prosecution for distributing a potentially toxic product." [55]



The housewife shown above was photographed in a typical American home near howling cell towers. This woman and her family were assaulted for years by wave carcinogen which flows unimpeded through the windows, walls and the roof of this structure. As she stood at her sink, pulsing microwaves penetrated her body at close to one volt per meter, as confirmed by the audio microwave detector sitting on the window sill. Virtually no room in this house is safe from radiation rape, and most horrifying, extra high microwave power density can be measured at each and every electrical outlet. This indicates that high frequency radiation from the towers somehow travels through the entire electrical system of the home and likely, through the power grid of the entire neighborhood.

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx
 Documented Information About Cell Towers and Health Effects

In 2004, the US and Canadian membership of the International Association of Fire Fighters (IAFF) passed a resolution opposing the siting of cell tower antennas on or adjacent to fire stations. This resolution was inspired by a pilot medical study which raised serious concerns about the safety of fire fighters working and sleeping in stations with towers on the premises. The study, conducted by Dr. Gunnar Heuser of Agoura Hills, California, focused on neurological symptoms of six firefighters who had been working for up to five years in stations with cell towers. Their symptoms included: slowed reaction time, lack of focus, lack of impulse control, severe headaches, anesthesia-like sleep, sleep deprivation, depression and tremors. [56]

Dr. Heuser, along with Dr. J. Michael Uszler of Santa Monica, used functional brain scans to assess changes in the brains of the six firefighters, as compared to healthy brains of men of the same age. These SPECT scans revealed a pattern of abnormal changes concentrated over a wider area than would normally be seen in the brains of individuals exposed to toxic inhalation, as might be expected from fighting fires. Dr. Heuser confirmed that the only plausible explanation would be the chronic RF radiation exposure. Additional TOVA testing of the same six firefighters confirmed: delayed reaction time, lack of impulse control, and difficulty in maintaining mental focus, just as they had reported. [57]

IAFF's Resolution Number 15, dated August 2004, explains impressively what living and/or working in a **KILL ZONE** means for the health of Americans who have been "chosen" for sacrifice by the Wi-Industry. [READ IT HERE](#)

Fast forward to now. The city of Los Angeles is partnering with Motorola and the Department of Homeland Security for the initial rollout of over 200 new cell tower installations required by the new LA Regional Interoperable Communications System (LA-RICS). The LA-RICS project, underwritten by hundreds of millions in federal grant money, is to connect more than 80 public safety agencies with a new 700 megahertz wireless network covering an area of 4,000 square miles. LA-RICS is comprised of two subsets: a land mobile radio system and an LTE broadband (4G) communications system. [58] LA-RICS will grandly enrich mass tracking and surveillance capabilities, undoubtedly a major purpose for and the momentum behind, all wireless technologies. Among the unwashed masses, LA-RICS is nicknamed "Fry and Spy."



The original plans for LA-RICS mandates the initial 200+ new antenna installations to be sited at fire and police stations across many cities in the LA area. Therefore, in March 2015, IAFF Local 1014 petitioned the Los Angeles County Board of Supervisors to halt construction of

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Documented Information About Cell Towers and Health Effects

graves. But every so often, muck boils to the surface, as it did with the horrific cancer cluster which erupted several years ago at San Diego State University (SDSU).

We have some information on this disaster, thanks to Virginia Farver, the courageous mother of Rich Farver, who died of glioma brain cancer in 2008 at the age of 29. [63] Rich was among a group of other academics who likewise developed horrendous malignancies after suffering acute exposure to antenna radiation on the campus of SDSU. Rich Farver was reportedly a healthy student when he took up graduate studies at SDSU. He spent many long hours on campus in Nasatir Hall, a study and meeting center. A notably long list of other cancer victims also spent considerable time in Nasatir Hall. Only meters away from Nasatir Hall, effusing its relentless carcinogen into numerous campus buildings, is still today a huge antenna-loaded communications tower.

Virginia Farver's urgent warning provides a glimpse of a massive cover-up perpetrated by both the wireless radiation industry and its lapdog federal agencies. Having spent years researching the accoutrements of exposure from this installation, Farver writes of the tower: "It is a HPWREN--High Performance Wireless Research and Educational Network--a backbone node to the UCSD Supercomputer Center in San Diego. It is also GWEN--Ground Wave Emergency Network, with emissions known to hug the ground....HPWREN includes Homeland Security, DoE, DoD, DARPA, Air Force, Navy, National Institutes of Health, SPAWARS, NASA-Inmarsat Satellite, emergency services and many huge corporations." [64]

HPWREN network officials admit: "The network has required the installation of numerous large antennae throughout the area....Coordinating the installation of these antennae, which can be eight to 10 feet in size, and weigh up to 400 pounds, can be a real challenge. We have used hoists, cranes and in one case even a helicopter to put radio links in place." [65] The RF/microwave emissions from such powerful transmitters have to be gargantuan, but the particulars of these emissions (frequencies, power densities, pulse patterns) is not in the public domain due to "security" concerns. A major extension of the HPWREN system is the Area Situation Awareness for Public Safety Network (ASAPnet), a massive wireless Internet data communications network connected to firefighter installations throughout the San Diego and surrounding areas.

Funded by the National Science Foundation, the HPWREN project is a vision of America's future with its morass of broadband transmitters, sensors and spy cameras scattered throughout at least 20,000 square miles of the Southwest. The HPWREN network has metastasized throughout many rural communities, including numerous Indian reservations as it links to the U.S. Park Service and the NASA's National Weather Bureau. [66] It also links to NASA's Satellite Laser Ranging Program (SLR) and the global MOBLAS system which transmits satellite laser ranging data and communicates with numerous sponsors of geophysical experiments like SOPAC, DORIS and EarthScope. [67]

The HPWREN project was conceived around 2000 by research scientists with the San Diego Supercomputer Center at the University of California San Diego [UCSD]. Here lies the very guts of HPWREN. In 2009, protestors brought to media attention another cancer cluster connected to a building located on the UCSD campus: "Protestors at the University of California,

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Documented Information About Cell Towers and Health Effects

As concerned citizens learn about the ever-increasing dangers of RF/microwave antenna radiation, they are often perplexed as to how and why our nation has devolved to this disastrous, self-destructive state. Because microwave radiation has long been used by governments to manipulate the environment, and because the powerful biological effects of RF/microwave radiation are well-documented, some informed people suspect that America's official Microwave Mania may have a dark dimension. It is technically possible that powerful and myriad high-frequency installations, possibly including the HPWREN system as seen above, could be utilized for classified reasons known only to America's shady ruling elite. The *Activist Post* has published a 2015 essay entitled "Cell Phones--Cell Towers--HAARP: An EMF Triple Threat" by Michael T. Winter. Here are some thought-provoking excerpts which bring to mind our bizarre weather extremes and random acts of violence contrasting with the passive, almost lobotomized behavior of the general population. Keep in mind that there are reportedly numerous, experimental HAARP-type installations located across the planet:

"The High-Frequency Active Auroral Research Program, or Haarp, in Alaska is well known by now, at least to those even semi-awake. The acknowledgement of Haarp as a method of controlling the weather is not a secret; indeed, it is a stated function as published by the US government. This high-tech facility, operated by the US Navy, Air Force and several universities, is an extremely powerful transmitter that (very simplistically put) directs intense energy beams into the ionosphere with the goal of influencing: jet streams, creating rain or drought, tsunamis, hurricanes and other uses as well. This ultimately is equivalent to "cooking" our ionosphere. Haarp, however, is limited by the curvature of the earth; hence its range of manipulation is finite.

"This is where cell towers come into play. Cell towers can be 'harnessed' in their power, allowing for focused energy bursts within a tightly held geographical area. The signal can be bounced tower to tower until reaching its destination. There is an enormous mountain of data supporting the following theories of Haarp and cell tower shenanigans in relation to the following recent events. Between chemtrails and ionospheric manipulation, the government has artificially created the drought in California." [REPORT ON THE DEADLY CHEMICALS USED FOR GEOENGINEERING](#)

also:

"Can it be there is an ulterior motive, or motives, above and beyond a strong signal, in equipping these towers with up to half a million watts of transmitter power? Yes there is.... You will note that the human body is a self-contained electrical unit. The human brain is a biological computer and, like a computer, it has a clock frequency that all your existence is centered around.... The fact that your brain operates on frequencies leaves it susceptible to manipulation via electronic means. Since different moods are reflected by different frequencies, it is possible to electronically force people to be relaxed when they should be angry, laugh when they should be appalled, and give loyalty when they should rebel." [70]

- ◆ **emotional difficulties: inner agitation, inability to cope, depression, panic attacks**
- ◆ **significant decrease in ACTH, cortisol, thyroid hormones, testosterone and prolactin for young females**
- ◆ **abnormal secretion of both serotonin and melatonin hormones**
- ◆ **encephalopathy of the brain**
- ◆ **numerous types of cancer, especially of the brain, breast and lungs**

An excellent document describing the above symptoms of Wi-sickness, also known as the Microwave Syndrome, is contained in the Freiburg Appeal, compiled by a large group of German doctors. [71] This information clearly documents the inevitable sickness inherent in homes, workplaces, medical centers and schools saturated with cell tower radiation *in addition to* radiation from Wi-Fi signal generators, DECT phone systems, smart utility meters, Wi-security systems, signal boosters, plus the effluent from many types of personal Wi-devices. People who endure such sick buildings are truly and ultimately the walking dead. [READ THE APPEAL HERE](#)

Virginia Farver worked long and hard to uncover suppressed information about her son's cancer cluster at SDSU. This is exactly what activists should be doing in every cell-tower irradiated neighborhood and on every Wi-tortured school campus in America. The poisonous 20,000 ton chemical dump at Love Canal in New York state would still be maiming and killing children of that area had not mothers there been determined to discover the root cause of the terrible suffering of their kids in the late 70s. These mothers went door to door to collect information and they organized that information into a media revelation that shook the nation. A neighborhood survey is a great way to raise awareness on critical Wi-radiation issues.

Because U.S legislative, judicial and regulatory branches of government are currently in harness to aggrandize and protect Big Radiation, while keeping a lid on our nation-wide scandal of cell tower sickness, there is no agency or information clearing house where injured Americans can report their antenna sickness. Therefore, it is incumbent upon each microwave-abused community to investigate and gather its own surveys and epidemiological reports. Those who take the time to talk to their neighbors and catalog the cell tower illnesses and unusual cancer and birth defect clusters in their immediate areas will begin to understand: public education and political activism regarding the bio-effects of microwave antenna pollution are now essential for human survival. Eileen O'Conner's story is a great example of what people can learn when they begin to take an interest in the health of their neighborhoods. Her message is especially important for America's countless small towns and villages where almost everyone lives within 500 meters of the central antenna installation. [EILEEN'S STORY HERE](#)

Informed public backlash can change corrupt federal law and dump dirty, compromised politicians. Every concerned citizen should invest in a good audio RF/microwave detector. There is no substitute for enabling people to **HEAR** the wave carcinogen flowing through their

every detail of the mighty struggle here, but the Internet is loaded with reports. A good site for information on this global struggle is BURGERWELLE.COM where Wi-radiation news is gathered from around the world. Staggering are the archives at this site! While the Wi-radiation industry claims that there is no evidence of harm, this site contradicts that great lie. It fully documents the undeniable costs of Wi-technologies in terms of human and animal suffering. Subscribe for free and this newsletter will be e-mailed to you weekly. The two stories featured below are examples of community tragedies that will continue to escalate until enough Americans awaken, turn off their Wi-devices and fight back against merciless antenna genocide.

From the Mail Online, UK:

14 Die in Seven Years Living Next to Phone Mast With Highest Radiation Levels in UK



From the Associated Press, USA:

Ohio Child Cancers Confound Parents, Investigators



A Canadian woman in the YouTube video below describes her immediate health effects from rooftop antennas sited on her apartment building. She explains her sudden development of electromagnetic hypersensitivity (EHS), a condition which is afflicting increasing numbers of people who encounter acute Wi-antenna exposure. As you listen to her report, keep in mind that

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx

Documented Information About Cell Towers and Health Effects

Reference Notes With Additional Information

1. "Long-Term Exposure to Microwave Radiation Provokes Cancer Growth: Evidences from Radars and Mobile Communication Systems," Kyrylenko et al., *Ukrainian Medical Journal Online* and also *Experimental Oncology and Radiobiology*, 33 (2):62-70 June 2011. Read this awesome paper [HERE](#).
2. Dr. Martin Blank, Columbia University, College of Physicians and Surgeons, Department of Physiology and Cellular Biophysics: "An Open Letter to Mayor Young and the Langford Council, Langford, B.C." September 11, 2008. Read Dr. Blank's letter [HERE](#).
3. IARC Press Release 208: IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS, Lyon, France, May 31, 2011: The WHO/International Agency for Research on Cancer (IARC) has classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use. This classification is only preliminary, because the REFLEX studies, completed in 2004 by the European Union, have shown that microwave radiation from cell phones produces catastrophic DNA damage identical to that of nuclear radiation, which is a Group 1A (confirmed) carcinogen.
4. "Serious Flaws With the FCC RF/MW Safety Standard," The EMF Network: emfnetwork.org, 2015.
5. Jerry Flynn, "An Open Letter to Jonathan G. Herman, CEO of Federation of Law Societies of Canada," 04-27-2015.
6. Lee Cashman, BS Physics, MA Mathematics: "Mankind's Worst-Ever Genocide is Now Brewing," Omega Group, May 7, 2015.
7. *The Wireless Industry: The Essential Engine of US Economic Growth*, Roger Entner, Recon Analytics, 2012.
8. AntennaSearch.Com is a very useful site, but there is no way that this source can find and identify ALL RF/microwave irradiating installations in the USA. Even the FCC does not maintain a complete inventory and up-to-date location data for all commercial, industrial and military installations propagating carcinogenic wave radiation. Therefore, the astronomical tower and antenna numbers listed at this site are only part of the story. Also, these numbers certainly don't reflect the zillions of outdoor Wi-Fi antennas currently "cooking" the nation.
9. "Deceptive Accounting Used By Verizon," B. Kushnick, Huffington Post, 09-04-2015.
10. "Electromagnetic Fields Increase Toxins Quite Significantly," American Chronicle, 03-10-2010.
11. "Dr. Dietrich Klinghardt Links Microwave Radiation with Lyme Disease," stopsmartmeters.org. [INTERVIEW HERE](#)
12. "Lyme Disease Cases Reach 300,000 per Year in US, Are Underreported," *New York Daily News*, 08-20-2013. See also: *Reported Cases of Lyme Disease by State or Locality, 2015*, Centers for Disease Control and Prevention, www.cdc.gov.
13. See Curtis Bennett's website: www.thermoguy.com for an excellent education on thermography and Wi-radiation. The following link is an informative 30-minute YouTube video with Bennett showing how thermography illustrates the biological destruction of microwaves. [CLICK HERE](#)
14. *Risk Assessment of Chronic Exposures to Non-Thermal Microwaves from Mobile Communication*, Igor Belyaev, Stockholm University, Department of Genetics, Microbiology and Toxicology, Sweden, May, 2014.

The Kill Zones, USA – http://wi-cancer.info/the_kill_zones_usa.aspx
 Documented Information About Cell Towers and Health Effects

32. Ibid.
33. The BioInitiative Report 2012 (2014), Section 2: Statement of the Problem." p. 4.
34. Dr. Don Maishe's statement in slide presentation at University of Tampere, Helsinki, Finland, 2008.
35. The history of early legal efforts by concerned citizens and experts is outlined here: "Libby Kelly Comments on the Actions Being Taken by the Council on Wireless Technology Impacts," *Earth News*, 03-29-2002. See also: "Supreme Court Rebuffs Challenge to U.S. Tower Policy," *Microwave News*, January-February 2001.
36. The BioInitiative Report 2012 (2014), Section 2: Statement of the Problem." p. 8.
37. Ibid.
38. Robin Bernhoft, president of the American Academy of Environmental Medicine is quoted in: "FCC Must Update Cell Tower Safety Regulations, Say Health and Environmental Advocates," *Business Wire*, July 26, 2011.
39. Whitney North Seymour, Jr. Esq., founder of the National Resources Defense Council, is quoted in "FCC Must Update Cell Tower Safety Regulations, Say Health and Environmental Advocates," *Business Wire*, July 26, 2011.
40. "Did Tom Wheeler, the Nominee for Chairman of the FCC, Subvert Research Showing Harm from Cell Phone Radiation?" *SaferEmr.com*, 10-30-2013. This article details Wheeler's long and illustrious career working at top levels within the Wi-industry while using tactics of the tobacco industry to suppress and bias scientific research showing severe harm from Wi-radiation. Most interesting is that some charges leveled against Wheeler were originally outlined by RCR News, an industry publication. *SaferEMR*, which featured this expose, is a great website by Dr. Joel Moskowitz of the School of Public Health, University of California, Berkeley. It offers up-to-date scientific and policy developments regarding the health effects of electromagnetic radiation exposure from cell phones, Wi-Fi, smart meters, and other wireless devices. [WEBSITE HERE](#).
41. "Local Doctor Shares his Views on Dangers from Electromagnetic Field Radiation," *The Coast News*, July 22, 2010.
42. The 500 meter (1625 feet) setback is discussed in a meta-analysis of cell tower sickness reports from around the world: "Epidemiological Evidence For a Health Risk from Mobile Phone Base Stations," Kurana et al., *International Journal of Occupational Health*, Volume 16, No 3 (2010).
43. The information on beam patches is from Dr. John Walker, CPhys, a member of the advisory panel of the UK h.e.s.e. This is an international organization of experts, researchers and concerned parties engaged with issues around the exponential increase in electromagnetic radiation and fields, due mainly to developments of mobile telecommunications in the microwave range. Most of this group are, or have been, directly affected by environmental microwave emissions, and have sought a scientific understanding of why this occurs and what should be done.
44. *Mobile Phone Masts and Wireless Computing*, Alasdair and Jean Philips, 2009, p. 20. This book features a diagram showing how the radiation torrents downward from rooftop antennas directly into buildings below, creating hotspots within numerous interior areas.
45. "Next Asbestos Could Be in the Air," *Business Insurance*, 09-13-2010. This article warns insurance companies: "Based upon data from the Bureau of Labor Statistics and U.S. Census Bureau, it is estimated that as many as 250,000 workers a year are compelled to work in close proximity and in front of RF transmitting antennas. When combined with the 15 years this issue has been in existence, the pool of potential claimants could be staggering." This is even more true today, five years later.

64. Ibid.

65. "HEPREN at 10: UC San Diego's Wireless Research and Educational Network Benefits Scientists and Societies of Southern California," www.calit2.net, 02-22-2010.

66. "NASA Satellite Laser Ranging Program Site Connecting via HPWREN," High Performance Wireless Research and Education Network, hpwren.uscd.edu, 09-30-2008.

67. Ibid.

68. "San Diego State University Cancer Cluster from Cell Tower? "Towards Better Health," <http://mieuxprevenir.blogspot.com>, 05-31-2013.

69. "Campus Building Blamed for Cancer Cluster," *New York Times*, 02-24-2009.

70. Cell Phones--Cell Towers--Haarp: An EMF Triple Threat, Michael T. Winter, ActivistPost.com, 05-20-2015.

71. The Freiburg Appeal was followed in 2012 by the Doctors' Appeal which was translated into many languages and was supported by more than 1000 physicians and more than 36,000 people worldwide. This document states: "Ten years ago, physicians of the Freiburg Appeal called on their colleagues, the public, and the politicians and health officials in charge because they were deeply concerned about the health of their fellow citizens.....Over the past decade, the evidence of serious risks has been increasing and accumulating worldwide. As physicians, we observe a clear increase in health symptoms when radio-frequency exposure levels increase with regard to distance and time—especially in the case of heavy cell phone use, and in the vicinity of DECT cordless phones, Wi-Fi, and cell towers—including problems falling asleep and staying asleep, chronic fatigue, headaches, migraine, vertigo, tinnitus, unhealthy blood pressure levels and arrhythmias, concentration and memory problems, learning and behavioral disorders, a more frequent incidence of ADHD among children. And numerous studies of independent scientists have now confirmed many of these observations made by physicians."

72. Letter from the Department of the Interior to Mr. Eli Veenendaal, National Telecommunications and Information Administration, US Department of Commerce, Reply ER 14/0001, 02-07-2014.

73. "Rubio's Bill Will Expedite Deployment of Wireless Infrastructure on Federal Properties and Free Up Spectrum," *Wireless Estimator*, June 19, 2015. See also: "CTIA and PCIA Deployment Lawsuit Charge: 3000% Small Cell Size Structure Increase is an Imagined Horrible," *Wireless Estimator*, June 10, 2015.

74. "Human Exposure to Radiofrequency Fields: Guideline for Cellular and PCS Sites," Federal Communications Commission, www.FCC.gov.

75. "What's the Problem with Big Wireless?" Deborah Kopald, March 31, 2015. Deborah Kopald (BA, Harvard, MBA MIT Sloan School of Management) is an environmental health and public policy consultant and author who has developed and overseen the passage of legislative initiatives and has served as a guest expert at various media outlets. Read here her amazing essay: [Legal and Public Health Problems of the Wireless Age](#)

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Documented Information About Cell Towers and Health Effects

From: Lesley Simmons <goridegirl@icloud.com>
Sent: Thursday, March 21, 2024 5:35 PM
To: Joshua Wozynski
Cc: Anaiah Kirk
Subject: Conditional Use Permit LUNR-24-4
Attachments: Project site.jpg; View of cell tower site from our property; aerial view house to site; Aerial house to site; Mining relics .jpg; Cell Tower site meadow

To Joshua Wozynski, Planner I
From Lesley and Michael Simmons
03/21/2024

Dear Mr. Wozynski,

We are writing regarding the application by our neighbor for a cell phone tower permit on his property. We have a number of concerns about this which are listed below.

- A lot of research exists discussing the fact that cell phone towers severely impact property value. The Department of Housing and Urban Development (HUD) classifies a cell tower as a Hazard and Nuisance, requiring appraisers to make adjustments to value due to their effect on marketability. Many studies show that property values decrease by approximately 20% when cell phone towers are located nearby and in sight of the home. Other research studies in real estate show that the majority of home buyers will not consider buying close to a cell phone tower. There are many properties with beautiful homes that will be affected by this tower, and I can't imagine the county wants to see a decrease in property values any more that the homeowners do.
- We purchased our property and built our home over 20 years ago. We raised our children here and hoped that they someday may raise their children on this property as well. There is a beautiful view from the majority of our home looking south-southwest toward the valley with a gentle downhill roll. This view is visible from the areas that we spend most of our time. The cell tower will be situated approximately 450 feet from our house directly center to that view. The base of the cell tower 2991 feet elevation. Our home sits at about 3070 feet elevation. This means that we will easily see almost all of the tower based on the distance from our house, right in the center of our view. We've spent years and much labor cleaning up our property to make the most of that view.
- The packet information states that the tower view will be obstructed by trees. However the tower will be sitting in a large wide-open meadow area surrounded by oaks, most of which are under 30 feet in height. This meadow area also includes a historic mine, mine shaft, air shaft, and some old foundations for mining equipment. Not only will we, but all of our immediate neighbors will clearly see this cell phone tower as an eyesore in their views.
- We have planted our entire garden with plants that are specifically attractive to pollinating insects. Our flowers are covered by thousands of honey bees every summer, as well as butterflies and other pollinators. I have been planning since last summer to get hives this spring to start my own honey business. Research is very strongly suggestive that the RF from cell towers depletes the honey bee population due to issues with their navigation ability (magnetic compass) near these towers. I've had to put this plan on hold until we know what is happening with the tower.

- We are both at high risk for cancer. Although the FDA stopped researching the risks of cell phone tower radiation on humans, other countries are actively researching this and have published studies saying that increased cancer risk is among many health risks that come from cell phone tower radiation. Even the American Cancer Society states that although there is no strong evidence to support the danger of RF waves, "this does not mean that the RF waves from cell phone towers have been proven to be safe. Most expert organizations agree that more research is needed to help clarify this, especially for possible long-term effects." There is also research stating that people living long-term within 1000 feet of a cell phone tower are at higher risk for migraines, depression, and other non-cancer related health issues.
- No government radiofrequency emission guidelines take animals into consideration despite the effect these emissions are shown to have on wildlife and livestock. Studies have shown health problems specifically in sheep, dogs, cats, and rabbits near cell phone towers. As we have dogs, cats and livestock, and our neighbor has a sheep farm next to the site for the tower, I believe this needs to be given serious consideration.
- The project site parcel map included in our packet does not show clearly where the tower will be located on the neighbor's lot. It is located at the curve on TreOmi Road which is very close to our property line and our neighbors as well. The map also shows Moeller Road (Street) going through to Nonies Road. However, our neighbor, who is requesting the cell phone tower, has closed off Moeller Road access to Nonies Road with a cattle fence, so that is also incorrect on the map as we cannot pass through on Moeller Road (Street). This means we and our neighbors are forced to drive past the cell phone tower. This also means that the only route to exit our neighborhood in a fire will now have a high fire hazard added to it. Cell phone towers have been known to catch fire spontaneously due to electrical or mechanical failures.
- Lastly, there is a cell phone tower nearby that we can see from our property. We experience very good cellular service and haven't had any problems. We aren't clear as to the need for yet another cell phone tower.

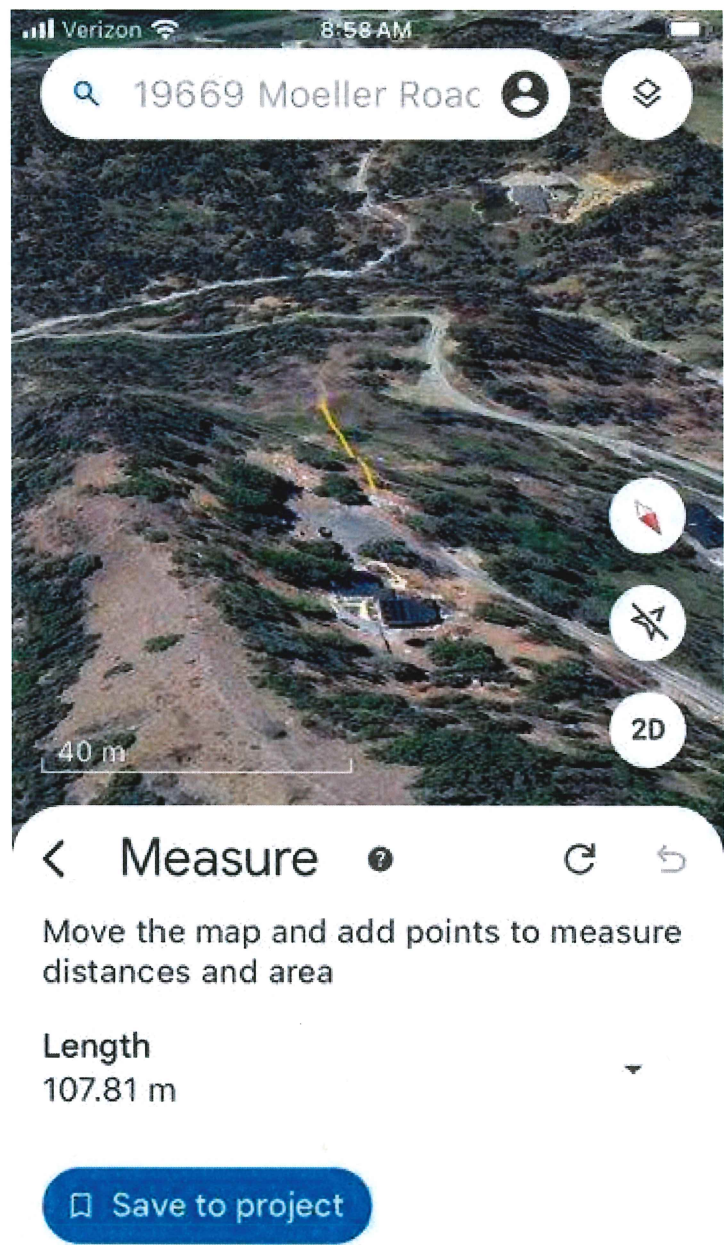
We would greatly appreciate if you review the photos attached and consider our concerns as you review this permit application to which we are opposed. I have multiple references for the research information above that I am happy to share upon your request.

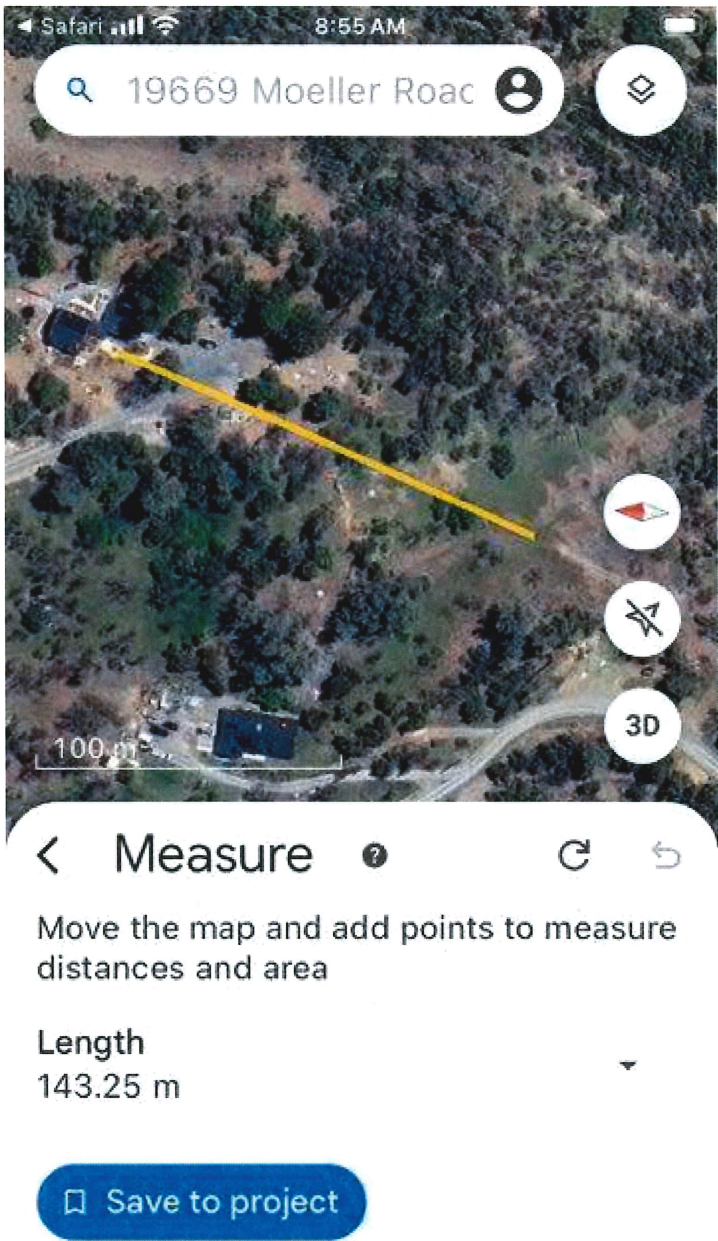
Sincerely,

Lesley and Michael Simmons













COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

UNAPPROVED

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

May 14, 2024, 6:00 PM

Board of Supervisors Chambers County Administration Center

4th Floor 2 S. Green St. Sonora, CA 95370

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Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

PRESENT: Chair Catherine Santa Maria; Vice Chair Jim Jordan; Commissioners Linda Emerson, Jerry Morrow, Wesley Brinegar, Jim Cherry

ABSENT: Commissioner Kara Bechtle

STAFF: Quincy Yaley, Community Development Director; Tamera Blankenship, Housing Development Specialist

CALL TO ORDER/WELCOME:

Chair Catherine Santa Maria called the meeting of May 14, 2024, to order at 6:00 p.m. and led the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

Quincy Yaley, Community Development Director announced the resignation of Commissioner Kara Bechtle and the upcoming dates for the next Planning Commission meetings.

Chair Catherine Santa Maria mentioned how important Commissioner attendance is for the scheduled meetings.

Commissioner Morrow reported on the itinerary for the upcoming California County Planning Commissioners Association in October 2024.

2. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow announced the next meeting would be held on May 16, 2024.

3. Meeting Minutes of April 3rd, 2024

MOTION: To approve the April 3rd, 2024, Meeting Minutes

RESULT: Approved

MOVED: Commissioner Morrow

SECONDED: Commissioner Cherry

AYES: Unanimous

ABSENT: Commissioner Bechtle

May 14, 2024

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PUBLIC COMMENT:

Chair Santa Maria opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. She indicated that there would be a three-minute time limit for public comment.

One member of the public addressed the Commission on the parking of vehicles on front lawns in residential areas.

Staff followed up with information on the concerns raised by the member of the public.

Chair Santa Maria closed the public comment period.

4. Presentation and invitation for comments regarding Tuolumne County's Prohousing Designation Program Application, Public Draft

Tamera Blankenship, Housing Development Specialist gave a PowerPoint presentation on the Tuolumne County's Prohousing Designation Program Application.

The Commission asked questions of staff.

Chair Santa Maria opened the public comment period and indicated that there would be a three-minute time limit for public comment.

Two members of the public addressed the Commission on the Prohousing Designation program Application.

Ms. Yaley answered questions from the Commission and addressed the publics questions.

PUBLIC HEARING:

1. Public Hearing, to consider amending Chapter 17.67 of the Tuolumne County Ordinance Code Title 17 related to implementation of the "Delivery of Medical Cannabis - Medicinal Cannabis Patients' Right of Access Act" and Chapter 3.40.010.K – Fee Schedule.

Ms. Yaley gave an oral presentation regarding the public hearing item.

The Commission asked questions of staff.

Chair Santa Maria opened the public comment period and indicated that there would be a three-minute time limit for public comment.

Chair Santa Maria closed the public comment period and referred the item back to the Commission.

MOTION: To approve changes and recommendations with the most stringent rules on delivery of medical cannabis.

RESULT: Approved

MOVED: Chair Santa Maria

SECONDED: Commissioner Emerson

AYES: Chair Santa Maria; Commissioners Brinegar, Morrow and Emerson

NOES: Vice Chair Jordan and Commissioner Cherry

ABSENT: Commissioner Kara Bechtle

ADJOURNMENT:

Chair Santa Maria adjourned the meeting at 7:41 p.m.

APPROVED:

Quincy Yaley, AICP
Community Development Department Director

QY: rg

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