

**M E M O R A N D U M**  
**COMMUNITY DEVELOPMENT RESOURCE AGENCY**  
**COMMUNITY DEVELOPMENT SERVICES DIVISION**  
County of Placer

**TO:** Board of Supervisors **DATE:** June 22, 2021

**FROM:** Shawna Purvines, Deputy Director

**BY:** Anne Marie Novotny, Housing Specialist

**SUBJECT:** COMMITTEES AND COMMISSIONS – Placer County Housing Development Advisory Taskforce

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**ACTION REQUESTED**

1. Approve staff's recommendation for the appointment of the applicants to fill the nine seats on the new Placer County Housing Development Advisory Taskforce

**BACKGROUND**

On August 27, 2019, the Board of Supervisors (Board) received a presentation on the Affordable Housing Program, Housing Strategy and Development Plan, and the Housing Funding and Investment Strategy. The Board also authorized staff to work with stakeholders to establish a private housing trust. The proposed private housing trust would be formed to address unincorporated Placer County's affordable housing challenges and, when possible, used to assist in the implementation of the County General Plan housing policies. The trust would provide a mechanism to secure gap funding for affordable housing projects, to accommodate the donation of a variety of public, private, and nonprofit sources of funding, including acquisition of land, and administer loans to affordable homebuilders or renovators to provide additional affordable housing in the unincorporated area of the County.

On November 5, 2019, staff returned to the Board with a follow-up item and the Board affirmed support for establishment of a private housing trust, directed staff to proceed with development of initial funds management agreements to establish procedures for future County funds and/or future affordable housing fees to be deposited into the trust, and for development of a housing advisory group. In January 2020, the proposed private housing trust was formed and named Housing Trust Placer.

The housing trust proposal included the formation of a Board appointed housing advisory group that would function similar to the Capital Projects Advisory Committee in Tahoe. Specifically, this group would hold regular public meetings (subject to the Brown Act) to consider proposals and would identify available sites or affordable housing projects that would merit review and consideration of the Board of Supervisors.

On February 9, 2021, staff presented the Board with a proposal that a Board appointed housing development advisory taskforce be formed. The proposed taskforce would be comprised of nine members with a variety of expertise in housing development and knowledgeable about housing needs in Placer County. The housing taskforce would report to the Board at designated times (to be determined) with a list of recommended potential projects, sites, funding opportunities, etc. The taskforce is strictly a recommending body. Decisions to proceed with any recommendations would be at the discretion of the Board. The members would serve on a voluntary basis (no compensation would be provided by the County). The Board approved staff's proposal and passed Resolution No. 2021-026 to designate the member seats, eligibility requirements, and terms with appointing authority for the Placer County Housing Development Advisory Taskforce.

On February 22, 2021, staff released an announcement/press release that the County was accepting applications for nine seats on a new Board-appointed housing taskforce. The response was very impressive with a total of 37 applications submitted. Fourteen of the applications submitted were for Seat 8 (At-Large Housing Advocate) and nine applications were submitted for Seat 1 (Builder). Seat 3

(Residential Broker) and Seat 9 (At-Large Realtor) each had three applicants; Seat 2 (Community Foundation), Seat 5 (Mortgage Lender), and Seat 6 (Attorney) each had two applicants; and Seat 4 (Commercial Broker) and Seat 7 (Student Housing Stakeholder) each had one applicant. All applications are on file with the Clerk of the Board.

**STAFF RECOMMENDATION**

In selecting the applicants to recommend to the Board, staff assessed their qualifications, experience, and their Board District of residence to get a broad representation throughout the County.

- No applications were submitted from residents of District 1.
- The applicant recommended for the (At-Large Housing Advocate (Seat 8) was one of two applications from District 2 and has public housing experience.
- The applicants recommended for Seat 4 (Commercial Broker) and Seat 5 (Mortgage Lender) both reside in District 3. The applicant recommended for Seat 6 (Attorney), who also resides in District 3, is being recommended because of her background with land use and housing issues from her time working for the County.
- The applicants recommended for Seat 1 (Builder experienced with infill development) and Seat 3 (Residential Broker) both reside in District 4.
- The applicants recommended for Seat 2 (Community Foundation) and for Seat 9 (At-Large Realtor) both reside in District 5.

Below is the list of applicants staff is recommending the Board appoint to the Placer County Housing Development Taskforce:

Seat No.	Representing	No. of Applications Submitted	Applicant Recommendation	BOS District Residence
1	Builder experienced in infill development	9	Lynda J. Timbers	4
2	Community Foundation	2	Sue Thompson	5
3	Residential Broker	3	Jackline Hoyt	4
4	Commercial Broker	1	Tim Onderko	3
5	Mortgage Lender	2	Ryan G. Hensley	3
6	Attorney experienced in housing/ land use	2	Maggie Tides	3
7	Student Housing Stakeholder	1	Todd E. James, Ph.D.	N/A
8	At-Large, Housing Advocate	14	Jaime S. Knacke	2
9	At-Large, Realtor	3	Gary G. Mapa	5

The purpose of the housing taskforce is to provide support to Housing Trust Placer on housing development proposals and identifying available sites or affordable housing projects that would merit review and consideration of the Board; may also coordinate with the Mountain Housing Council and the Tahoe Truckee Workforce Housing Agency on housing projects or sites in the eastern area (Tahoe region) of the County; and may also advise the County on housing projects initiated or managed by the County.

To provide additional input to the taskforce, the other applicants, regional affordable housing developers, and the Builders Industry Association (BIA) will be invited to participate at meetings of the taskforce but will not be voting members of the taskforce.

**ENVIRONMENTAL IMPACT**

There is no environmental impact.

**FISCAL IMPACT**

There is no fiscal impact.

**ATTACHMENT**

Attachment A: Roster: Placer County Housing Development Advisory Taskforce

On file with the Clerk of the Board: All applications submitted to the County.

cc: Steve Pedretti – CDRA Director  
Karin Schwab – County Counsel  
Clayton Cook – Deputy County Counsel  
Dave Defanti, Deputy CEO

# ATTACHMENT A

## PUBLIC COMMITTEE INFORMATION

**PURPOSE:** To provide support to Housing Trust Placer on housing development proposals and identifying available sites or affordable housing projects that would merit review and consideration of the Board of Supervisors; may also coordinate with the Mountain Housing Council and the Tahoe Truckee Workforce Housing Agency on housing projects or sites in the eastern area (Tahoe region) of the County; may also advise the County on housing projects initiated or managed by the County.

**CONFLICT OF INTEREST:** Yes

**COMPOSITION:** Seven (7) members and Two (2) At-Large members comprised of broad representation from the following sectors: builders experienced in infill development, community foundations, residential brokers, commercial brokers, banking and/or mortgage lenders, housing/land use attorneys, and student housing stakeholders (e.g., Sierra College, Sac State). This advisory taskforce will serve Housing Trust Placer which is currently supported by the Building Industry Association (BIA). Terms will be staggered between two and three years to ensure committee stability. After the first three years, all terms will be two-year terms.

**MEETINGS:** Quarterly (at a minimum); may meet more often as needed.

**COMPENSATION:** None

### COUNTY CONTACT PERSON

Anne Marie Novotny, Housing Specialist  
Community Development Resource Agency  
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(530) 745-3170, AMNovotny@placer.ca.gov

### CONTACT PERSON

### CURRENT MEMBERS

#### SEAT # 1

Lynda J. Timbers  
REPRESENTS: Builders, infill dev.  
TERM LENGTH: Two (2) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2023

#### SEAT # 2

Sue Thompson  
REPRESENTS: Community Foundations  
TERM LENGTH: Three (3) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2024

#### SEAT # 3

Jackline Hoyt  
REPRESENTS: Residential Brokers  
TERM LENGTH: Two (2) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2023

#### SEAT # 4

Tim Onderko  
REPRESENTS: Commercial Brokers  
TERM LENGTH: Three (3) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2024

#### SEAT # 5

Ryan G. Hensley  
REPRESENTS: Banking/Mortgage Lenders  
TERM LENGTH: Three (3) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2024

#### SEAT # 6

Maggie Tides  
REPRESENTS: Attorneys, housing/land  
TERM LENGTH: Two (2) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2023

#### SEAT # 7

James E. Todd, Ph.D.  
REPRESENTS: Student Housing STKH  
TERM LENGTH: Three (3) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2024

#### SEAT # 8

Jaime S. Knacke  
REPRESENTS: At-Large, Housing Adv  
TERM LENGTH: Two (2) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2023

#### SEAT # 9

Gary G. Mapa  
REPRESENTS: At-Large, Realtor  
TERM LENGTH: Two (2) years  
APPOINTED BY: BOS  
EXPIRES: 06/30/2023

**TO:** Board of Supervisors **DATE:** July 6, 2021  
**FROM:** Steve Pedretti, Agency Director  
**BY:** Bennett Smithhart, Associate Planner  
**SUBJECT:** Continuance of Third-Party Appeal of the Planning Commission's Approval of a Minor Use Permit (PLN19-00212)

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### **ACTIONS REQUESTED**

1. Continue the Public Hearing from June 8, 2021 to consider the third-party appeal filed by Sierra George on behalf of the Millertown Road Community.
2. Grant the third-party appeal filed by Sierra George on behalf of the Millertown Road Community.
3. Overturn the Planning Commission's decision to deny the appeal (filed by the applicant) of the Zoning Administrators decision, resulting in a denial of the Minor Use Permit.

### **BACKGROUND**

On June 8, 2021, the Board of Supervisors (Board) conducted a Public Hearing to consider a third-party appeal filed by Sierra George on behalf of the Millertown Road Community. The third-party appeal was filed following the Planning Commission's February 25, 2021 decision to deny the appeal (filed by the applicant) of the Zoning Administrator's decision to deny the Minor Use Permit (PLN19-00212), and the Planning Commission's decision to approve the Minor Use Permit to allow a cellular communications facility. The project includes the installation of a new 88' Monopine Tower within a 37' x 32' Fenced Compound with 12 antennas, 4 per sector, 4 surge suppressors, and 24 remote radio units. Also included was one walk-in equipment cabinet and a 30kw Diesel Generator with a 190-gallon belly tank that would be installed within the compound, as well as trenched fiber optic cable and electric cables that would run to the site.

The project site is bordered on the north and east by Millertown Road, to the south by Wise Road and west by developed rural residential properties. The 6.34-acre project site moderately slopes to the north and is development with a single-family dwelling, an agricultural structure, and a partially paved driveway. The lease area pad for the cellular communications facility would be established at an elevation of approximately 925 feet above mean sea level. The site is vegetated with a mixture of ruderal grasses, interior live oak trees and foothill pine trees. The project site is located in the moderate fire zone in the state responsibility area and is required to be in compliance with all SRA Fire Safe Regulations.

At the June 8, 2021 hearing, the Board took tentative action to grant the third-party appeal in a 5-0 vote and directed staff to return to the Board at a date and time certain with findings to support the denial of the Minor Use Permit consistent with the Board's comments on the merits of the appeal.

### **ANALYSIS**

During the Board's deliberations on the merits of the appeal, the Board determined the proposed cellular communications facility is not compatible with the surrounding community and could not make findings necessary to approve the project. Specifically, the Board could not find that the project would not be detrimental to the health, safety, peace, comfort or general welfare of people residing or working in the neighborhood or that establishment of the proposed cellular communications tower use would not have an adverse effect on adjacent or surrounding property owners. Based on the Board's comments, the following findings as required by Code Section 17.58.140(A) have been prepared:

## FINDINGS

### **CEQA**

The denial of the Minor Use Permit is statutorily exempt from environmental review pursuant to provisions of Section 15270 of the California Environmental Quality Act Guidelines and Section 18.36.010 (G) of the Placer County Environmental Review Ordinance (Projects which are disapproved).

### ***Denial of Minor Use Permit***

The denial of a permit must be supported by findings showing the reasons why the permit cannot be granted. The applicable requirements for issuance of a permit are set forth in Placer County Code Section 17.58.140(A), and are applicable to minor use permits through Section 17.58.120(B)(3). The requirements, including applicable findings, are provided below:

**1. The proposed use is consistent with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.**

The Board finds the proposed use is consistent with the applicable provisions of the Placer County Code since the proposed use is allowed in the Residential Agriculture, combining minimum Building Site of 100,000 square feet minimum zone. Cellular communications facilities are an allowed use in the Residential Agriculture district with approval of a Minor Use Permit. The Zoning Code defines the regulatory standards for the placement of a cellular antenna on a residential property. The project is consistent with 17.56.060(C), the general standards for antennas, which includes standards for setbacks, advertising, and construction.

**2. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and any applicable community plan or specific plan, and that any specific findings required by any of these plans are made.**

The Board finds the proposed cellular communications facility does not meet the provisions of the Placer County General Plan or the applicable community plan, the 1983 Ophir General Plan, in that it conflicts with goals and policies that are in place to maintain and enhance the character or rural residential areas, particularly Ophir. Specifically, General Plan Goal 1.K. is to protect the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism. Also, General Plan Policy 1.K.1. states that new development in scenic areas should be planned and designed in a manner that "maintains the character and visual quality of the area," and Policy 1.K.3. states that the County shall require new development in rural areas to incorporate landscaping that provides a transition between the vegetation in developed areas and adjacent open space or developed areas. Here, the proposed cellular communications facility creates an aesthetic disturbance that disrupts the visual quality of the area for the neighbors since it will protrude above the existing tree line and will not assimilate with the existing landscape. In addition, as noted by the neighbors, the tower will serve to detract from recreation and tourism in the area since the aesthetics will discourage use of the adjoining roadway for pedestrians and cyclists.

The proposed facility also does not meet the goals and policies of the Ophir General Plan. Land Use Goal 1 (p.30) is to maintain and enhance the rural character of the Ophir Area. Land Use Goal 1, Policy 2 discourages public services from expanding into areas with significant value as rural open space. Land Use Goal 1, Policy 3 limits urban development where it would be inconsistent with neighboring land uses and would distract from the existing character of the area. Here, the proposed facility is comprised of primarily rural residential land uses, and placement of the proposed facility would not maintain nor enhance the rural character of the neighborhood. Furthermore, the Board finds that the proposed 88-foot-tall tower is not consistent with the scale or overall historic character of the surrounding area.

**3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and**

**general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.**

The Board finds the cellular communications facility will, under the circumstances of this particular case, be detrimental to the peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, and will be detrimental or injurious to property or improvements in the neighborhood. The placement of the 88-foot-high tower is highly visible from nearby residences, is located close to a public roadway in a rural residential area, and may adversely affect the adjacent property owners and residents and affect scenic resources. Furthermore, the Board has determined that the proposed cellular communications facility would not foster an aesthetically pleasing rural environment, does not prevent visual blight, nor protect and preserve public safety and general welfare.

**4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.**

The Board finds the proposed cellular communications facility is not consistent with the rural character of the immediate neighborhood. The proposed tower's monopine design, at this location, is not compatible with, nor does it blend with surrounding trees, which are primarily native oak trees. Since there are no pine trees of similar height in the vicinity of the project site, the monopine tower will not appear as a "natural" environmental feature. The height and design of the proposed tower do not serve to conceal or blend the tower with surrounding natural features and is visible from public roads. Additionally, the proposed tower height exceeds any existing or planned structures or naturally occurring features in this predominantly rural residential and agricultural area.

**5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project unless a specific design deficiency is acknowledged and approved in conjunction with the adoption of a general plan or community plan applicable to the area in question.**

The Board finds that based on staff's analysis of the proposed cellular communications facility the project will not generate a volume of traffic beyond the design capacity of all roads. The project will generate a maximum of one to two trips monthly which is substantially lower than a new single-family dwelling which would generate an estimated ten trips a day. However, the Board finds the required driveway encroachment will create a change in sight distance resulting in a potential public safety concern.

There are additional findings requisite to evaluation of a cellular communications facility that are based upon requirements contained within the Federal Telecommunications Act (TCA). The TCA mandates that the regulation of the placement of personal wireless service facilities by the County "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." (47 U.S.C. § 332(c)(7)(B)(i)(II).) A two-pronged analysis is used when determining whether services have been prohibited. (*American Tower Corp. v. City of San Diego* (9th Cir. 2014) 763 F.3d 1035.) The provider must show: (1) a significant gap in service coverage, and (2) that the manner in which it proposes to fill the significant gap in services is the least intrusive on the value that the denial sought to serve. The applicant has not met this burden for the following reasons.

**1. The proposed project does not prevent a significant gap in coverage or capacity shortfall in the applicant's service area.**

The Board finds the existing AT&T coverage map shows that most of the Millertown Road area has reliable AT&T cellular coverage outdoors and less reliable in transit and indoors. Residents within the area testified that they did not experience coverage limitations with AT&T. The Board acknowledged

that the introduction of an 88-foot cellular communications tower at the proposed location would improve coverage in the area and provide for more reliable cellular service in-building, in-transit, and outdoor, however the existing level of service does not indicate a coverage gap.

**2. The applicant has not provided the least intrusive method to eliminate the coverage gap.**

The Board finds that the applicant explored three alternative sites in the project vicinity, but the applicant did not adequately demonstrate that said sites were unfeasible or that a cellular communication facility at one of these locations would be more or less intrusive. The applicant's basis for dismissing the alternative sites was based on neighbor opposition and/or the applicant not being able to come to terms on a lease. Two of the sites were dismissed simply because the property owners voiced opposition to a tower on other sites. The applicant also provided a brief response to five suggested alternative sites, but the response did not fully evaluate the other locations. Two sites were dismissed on the basis that their elevation was too low (900'), however the proposed site is at an evaluation of 928' and taller towers at other sites would have eliminated the elevation difference. As a result, the Board also finds that there is not sufficient evidence provided that would support dismissal of the alternative sites (i.e., coverage simulations, varying tower heights, etc.) or comparison study that demonstrates that the proposed site is the least intrusive.

**ATTACHMENT**

Attachment A: June 8, 2021 Board of Supervisors Staff Report

cc: Steve Pedretti – CDRA Director  
E.J. Ivaldi – Planning Director  
Clayton Cook – County Counsel  
Eric Griffin – Engineering and Surveying Division  
Joey Scarbrough – Environmental Health Services  
Sierra George – Appellant  
Jared Kearsley – Applicant