

Fw: Public Comment: Draft 130.40.130 Telecommunication Facilities

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To: Planning Department <planning@edcgov.us>

It looks like Mr. Williams sent this to the BOS clerk instead of our planning email, so forwarding.

02/22/24
Item # 4
3 pages

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Sent: Sunday, February 18, 2024 11:22 AM

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Subject: Public Comment: Draft 130.40.130 Telecommunication Facilities

Clerk of the Commission
Planning Department
Honorable members, Planning Commission

PUBLIC COMMENT: Draft Charter 130.40.130 Communications Facilities

Given my inability to attend the workshop on February 22, 2024, please accept the following comments, concerns, and questions as an individual EDC resident. While I have recently offered opinions on the EDH Business Park Verizon Monopine Cell Tower proposal representing EDH APAC and local Heritage Village representatives, I have not been able to preview these thoughts on the ordinance revision in advance. I have engaged in a discussion with Commissioner Lexi Boegen seeking clarification.

General Observations

1. This draft is a move in the right direction to establish enhanced oversight.
2. Consider adding a disclosure that Federal regulation limits the ability of EDC to deny telecommunication applications based on potential health risks. In addition, while EDC powers are limited, there exists an obligation to inform impacted residents and businesses that controversy does exist relative to health risks according to a variety of international sources. This disclosure would help reduce EDC liability should it be found in the future that harmful impacts were established. In that same light, people are provided with informed data from which to make personal decisions about being located near 5G installations.
3. One of the primary decisions leverage available to EDC is based upon the appropriateness of location. Aesthetics, such as visual impact, is an established justification for application denial. A statement underscoring this authority is suggested.
4. A secondary leverage point is conformance with established zoning regulations. For example, height limits for R&D currently do not explicitly apply to new cell towers. I believe an affirmation requiring adherence is needed would minimize confusion.
5. This is a fast-moving technological arena where changes can be anticipated with a new set of potential impacts. When 5G becomes 6G, for example, are existing facilities automatically grandfathered for use? Even today, can 3G and 4G facilities automatically be approved for 5G?
6. Where alternative locations should be considered, the applicant should provide specific metrics on how those locations are less desirable. In such an analysis, the applicant should identify configuration options that are available to enhance the viability of the alternative site. For example, could signal boosting and collocation relays be used to fill the coverage gaps?
7. EDC appears to be relying solely on vendor representatives of coverage gaps. An overlay map of multiple vendor coverage claims would provide Planning and the Commission valuable information. If a coverage exists for Vendor A but not Vendor B, collocation should be considered.

Page-by-Page Items for Consideration

Please forgive the "in the weeds" comments, but referencing page number, paragraph, and sentence approach seeks to reduce confusion. Here is my shorthand: pg=page, pp=paragraph, se=sentence.

Pg1 pp1 se4 "functionally equivalent" should be defined in Glossary

Pg1 pp1 se-last What if any provision should be noted if other Federal or State agencies, laws, or regulations differ for the FCC? For example, the EPA differs from the FCC on potential health impacts. I recognize that EDC may have little latitude on this one.

P1 pp2 Add to the list of "intent" the word aesthetics

P1 pp6 Nicely worded addition beginning with Generally, the County will seek

P2 item 4 ... What if Fed and State agencies and regs differ or conflict with each other?

P2 pp 9 Under Building, the final clause is removed. This is repeated in multiple permit requirements. Such a statement is important. Consider adding a general statement applicable to all permit requirements that echo the intent that "Those facilities not meeting"

P3, pp5 and 6 and elsewhere ... There may be inconsistency between when the item is resolved by the Administrative Permit and the Zoning Administrator. Also, what is the unique difference between the two review processes?

P4 section 5(d) As this applies to existing facilities, do they need to be retrofitted? I am not sure what this provision means and how it would be enforced.

P5 section 6 ... I question the wisdom of striking those sections noted. At the very least, CEQA adherence should be more explicitly noted.

P5 section 7 (a) and (b) The 500-foot radius is too narrow. As international literature references 1500 meters (approximately 5,000 feet) as the zone of potentially harmful impacts, I would err to caution by expanding the radius accordingly.

P5 section 7 (a) If this is for a new tower or monopole, a minor use permit is insufficient. This should be referred to the Planning Commission. Alternatively, an enhanced definition of minor use allowability relative to new telecommunication would help clarify this discretionary right.

P5, section 7 As location and aesthetics are the leverage decision points, I suggest adding a clause relative to the importance of this consideration.

P6 section 9 What happens when new and significant environmental conditions are discovered that trigger a new CEQA? Will modification be required?

P7 Table 1. New Tower or Monopole ... recommend CUP, Modification ... recommend Administrative.

P8, pp2, last sentence ... One-mile radius is too small. They can have a visual impact for miles.

P8, pp2, last sentence ... As noted in the review of the recent Verizon application, photographs and simulated photos can be deceptive. I recommend that the photo be taken by someone other than the application. Further, for simulation, scaling methods should be identified. For example, if a nearby building is 20 feet high and the tower is 100 feet, then the simulation should accurately reflect that difference. Further, if the proposed tower is located on a bluff or significantly above the grade of the existing residence, then that rise should be identified.

P9 item 11 Nice addition. How will that be enforced?

P9 item 9 As cell towers and monopole facilities will commonly contain 3G, 4G, and 5G, the report should include the difference in non-ionizing radiation generation for each.

P10 section J(1) add to School District notification private schools and other instructional businesses, churches, and other public meeting places.

P10 section J(2) The notification does not take into account residences without Homeowner Associations

P10 section J The form of notification should be identified. Is a postcard or a published public notice deemed sufficient in this connected society? Given this ordinance deals with telecommunication, using such notification should be considered.

Thank you for the opportunity to comment and question this important ordinance revision.

Regards,
Bob Williams
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