

10/25/2017

Edcgov.us Mail - Fwd: S17-0005/Calnet - Protest letter

PC 10/26/17
#4
5 pages



Charlene Tim <charlene.tim@edcgov.us>

Fwd: S17-0005/Calnet - Protest letter

Planning Department <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Tue, Oct 24, 2017 at 8:23 AM

----- Forwarded message -----

From: **UBRRA secretary** <ubrra.secretary@gmail.com>
Date: Tue, Oct 24, 2017 at 1:49 AM
Subject: S17-0005/Calnet - Protest letter
To: planning@edcgov.us

Good morning. Attached is a letter of protest regarding the Conditional Use Permit S17-0005. Please deliver this to the Planning Commission for the hearing scheduled on 10/26/17.

 **Letter to Planning Commission - Oct 2017.docx**
17K

October 23rd, 2017

County of Eldorado Planning
and Building Department
2850 Fairlane Court
Placerville CA 95667

With all due respect to the Eldorado County Planning Commission,

This letter is to serve as a formal protest to the consideration of Conditional Use Permit S17-0005/Cal.net North, specifically Site 1 located on Parcel Number 073-031-09, with the street address of 4030 Brinks Lane, Cool CA. This letter also serves as notice to the Eldorado County Planning Commission of our devout intent on pursuing further legal action dependent on the outcome of the public hearing to be held on October 26, 2017 and the subsequent decision of the Planning Commission in relation to this proposed Conditional Use Permit.

Upper Black Rock Road Association (UBRRA) is a legal association of homeowners representing the property owners within our small community on the edge of Cool, CA in the northern portion of our county. As the Secretary/Treasurer of UBRRA, I am presenting our formal protest of the Condition Use Permit noted above on behalf of our Association. Our disagreement with the placement of a communications tower in our neighborhood is based on a multitude of objective facts that would dissuade any reasonable individual from concluding this would be a realistic solution or a preferred location for such a tower.

The negative impacts this communications tower proposed by Calnet.com would adversely affect our rural community by decreasing all of the neighboring property values, unfairly and excessively damage the private road our association pays to maintain, ruin the surrounding views and local aesthetics, significantly increase potential health risks especially to those living closest to the tower, adversely impact local wildlife and fauna, and introduce an unnecessary fire risk into a wildfire-prone area. Each of these are equally weighing concerns for us as a group of property owners. Some of the property owners have even greater concerns on several of these topics. Following, I will address each of these areas in no particular order of importance.

After watching our property values depreciate significantly during the Recession, it has been a welcome breath of relief to see them on the rise over the last few years. We are now reaching pre-Recession levels once again. The installation of a communications tower, even a small one, could permanently impact our property values. A study published by the National Institute for Science, Law and Public Policy (NISLAPP) and printed in the RealtorMag indicates that 79% of survey respondents would never purchase or rent property within a few blocks of a communications tower. The survey also indicated that 94% of

respondents indicated communication towers would negatively impact their interest in a property or the price they would pay for the property. Additionally, Sandy Bond, Phd, an expert on this subject has concluded property value can decrease from 2% - 20% depending on proximity to the communication tower. This could translate into a \$10,000 to \$60,000 in property value loss for each of our Association members. This level of loss is unacceptable. From the county government perspective this results in a decrease in property taxes.

A second point of contention is this project is planned on a private road, exclusively maintained and paid for by the members of UBRRA. Our Articles of Association specify membership is limited to property owners with an easement over or along Upper Black Rock Road. Calnet.com is not a property owner nor do they have a right to an easement. Our road is not designed for the weight of construction equipment or the increased traffic that would result from this project. Our Association will hold both Calnet.com and the County for any and all wear caused to our private road. It would not be unreasonable to expect a complete repaving of the road as partial compensation, followed by annual maintenance, repair and general clean up currently performed by UBRRA. Based on recent estimates we obtained from a licensed asphalt contractor, the cost of repaving surpassed \$120,000.

I believe all of my neighbors will attest that we all live in this rural part of Eldorado County for several reasons. There is the serenity and peace that can be found in our immediate surroundings including the vistas, the natural settings, the oaks, the pines, the deer, the hawks, the falcons, all the songbirds, and all the other wonderful creatures we share our space with. Did you notice, not once was a metallic antenna-like structure mentioned? We have all seen what these communication towers look like. Even the ones meant to blend in at best still look like fake metal trees. The smaller antennas are no less unappealing aesthetically and no less of a danger to birds and bats. In commenting on Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds, the Department of the Interior noted "The placement and operation of communication towers, including un-guyed, unlit, monopole or lattice-designed structures, impact protected migratory birds in two significant ways. The first is by injury, crippling loss, and death from collisions with towers and their supporting guy-wire infrastructure, where present. The second significant issue associated with communication towers involves impacts from non-ionizing electromagnetic radiation emitted by them." This last comment on radiation that is emitted also impacts the wildlife and fauna on the ground as well. An article by Popular Science in November 2010 titled "Wi Fi Radiation is Killing Trees, New Study Finds" discusses the impact this radiation on trees, fissures in the bark, leaf death and abnormal growths. It also notes that 70% of urban trees in the Netherlands suffer from this radiation poisoning.

This brings us to the next area of concern, the potential health risks communication towers bring, whether it is a large cellular tower or a smaller wi-fi tower as suggested under the application before the Planning Commission. The core of the concern is non-ionizing electromagnetic fields (EMFs) and radio frequency radiation (RFR). Communication towers emit large amounts of both of these and do so continuously every hour of the day, every day of the year. There are numerous, well respected scientific publications and journals that demonstrate both EMFs and RFRs affect living organisms including people. The effects range from cellular stress and increased free radicals to amplified cancer risks, genetic

damage and neurological disorders. This results in a human cost that dollar amounts, regardless of sum, cannot justify. As far back as May 2011 the World Health Organization (WHO) classified RFRs and EMFs as possibly carcinogenic to humans in their #208 Press Release. We realize none of the studies are absolute; however, when it is your own health, none of us are willing to take that gamble.

As we have all recently witnessed and most of us have lived with over the decades, wildfires are a real and devastating reality in the rural areas of the State. I found it surprising how frequent communication towers have caught fire across the country. Some of the larger fires in our State have been caused by the rural equipment of utility companies. A communication tower being considered is just the newest form of rural utility equipment. Placing a communication tower in an extremely dry fire-prone area that could have the potential to catch fire or worse be blown over and start a wildfire is just not a wise decision.

In addition to the concerns extrapolated above, I believe this project is not following the mandate of the California Advanced Services Fund (CASF). As noted by CPUC the CASF grants and loans are to assist in building or upgrading broadband infrastructures in the area that are not served or are underserved. This is where I believe this project fails. If allowed to proceed the service Calnet.com will offer will not be something that cannot already be obtained currently. The only thing Calnet.com will offer is service at a significantly higher price than what can currently be obtained. For instance DSL is currently offered in the area by ATT. Other high-speed internet service can be obtained through providers such as DishNetwork, HughesNet and DirectTV. The speeds offered by Calnet.com will not be any higher than these providers, just an increase in price.

Additionally, the application for Conditional/Minor Use Permit submitted by Calnet.com for this location contains erroneous information. Specifically on page 3 of the Required Submittal Information, item #17 states for the applicant to note the name and address of Homeowner's Association . . . or other road maintenance entity if it exists in the project area. Calnet answered with "N/A" which is erroneous and a blatant misrepresentation since the property owners Dave and Eileen Parr are well aware of UBRRA and would have been obligated to inform Calnet.com. In paperwork for other sites, for example Auburn Lake Trails, the submitted forms note the Homeowner's Association for that location.

To summarize, our road association, Upper Black Rock Road Association, and myself Tom Buckley oppose the Conditional Use Permit requested by Calnet.com for Site 1 at Parcel Number 073-031-09, with the street address of 4030 Brinks Lane, Cool CA. This project will definitely result in the decrease of our property values, ruin our local vistas, excessively and unfairly damage our private road, significantly increase health risks to everyone living near the tower, adversely impact the local wildlife, increase the risk of fire hazards; all this with no real gain. I strongly urge the Planning Commission to deny the Conditional Use Permit S17-0005/Cal.net North at least for Site 1. With one exception, none of the property owners are interested in seeing this communication tower constructed in our neighborhood. We recognize the overall project will likely proceed due to the mandate of CASF, nor do we expect to halt the progress of technology. We do, however, expect to have a determining voice regarding the construction of this tower in our neighborhood.

Since other sites noted in the project are contained within the boundaries of Auburn Lake Trails, an alternate site consideration maybe within those boundaries the next hill or two over.

Feel free to contact me if you would like additional information regarding any information or sources cited above, or if you would like clarification.

Sincerely,

Tom Buckley
Secretary/Treasurer UBRRA