

Deny CUP23-0010 Verizon WTF

P.C. 12/14/23  
Item # 4  
3 Pages

Ken Greenwood <kg@d-web.com>

Thu 12/14/2023 2:44 AM

To: Planning Department <planning@edcgov.us>

Cc: BOS-Clerk of the Board <edc.cob@edcgov.us>; BOS-District I <bosone@edcgov.us>; BOS-District V <bosfive@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>

Dear Planning Commissioners,

I apologize for the lateness of my comments. I did not see this item until Wednesday evening.

WTF? ("Wireless Telecommunication Facility" that is). Our WTF Ordinance is in dire need of revision. Your Commission and the Board of Supervisors have been aware of this for at least 2, perhaps three or more years. Yet you continue to approve these Projects as if they in no way impacts the residents of El Dorado County from the Visual impacts of the tallest man made structures in El Dorado County. Disguising them as "trees" is a cruel joke and the lack of a "Fall Over" minimum setback is a travesty. An "Urgency Ordinance" for a Fall Over Setback would resolve a majority of the issues and make these huge structures less "IN YOUR FACE" in their dominance of local view sheds. Something must be done to end this embarrassment. Let's get it done!

Meanwhile, the proposed WTF cannot be approved as it is not compatible with the Neighborhood (a REQUIRED FINDING for a CUP) and is Aesthetically obtrusive and dominates the local views (regardless of whether it is an a scenic corridor).

- You must Deny this project and send a clear message.

Despite the 12-12-23 supplementary Staff Memo that states: "The stealth monopine tower is intended to blend with the surrounding environment..." Really? As CLEARLY illustrated in the visual simulations, the proposed structure would dominate the local view and is the tallest structure for a mile in every direction! Please spare me any attempt to put lipstick on this pig! Pine/Conifer trees are not endemic to this location. The only conifers in the wide view are introduced species, likely Coastal Redwoods, that survive only via intense irrigation.

- The WTF does not blend with the surrounding environment. The Environmental Review is flawed, and the CUP Findings are not supported by the record.
  - You must Deny this Project.

Additionally, a 30' setback on a 100' structure is absurd and the WTF Ordinance is remiss in dealing with this issue much to the detriment of the surrounding neighborhoods where these monstrosities are located.

- Therefore the findings for a CUP cannot be justified.
  - You must deny this project.

Similarly, the 12-12-23 Staff memo states: "Resale Value Potential impact to the resale value of homes in the surrounding project area is not a criteria by which wireless facilities are evaluated during the conditional use permit (CUP) process. This comment is outside of the review authority of the Conditional Use Permit entitlement and is not applicable."

- Actually, "Resale Value" IS a criteria under the CUP Findings that the project is not detrimental to the neighborhood. It is!
  - You must deny this project.
- Even if you argue that "Resale Value" is not effected by a nearby 100' WTF, any Realtor will tell you that home will require "Extra Time" to sell, and in this Market, that could mean THOUSANDS of dollars in Rent-Back and other expensive complications of an attempted Sale.
  - Resale value IS effected by the proximity of this WTF.

Negative Declaration Review:

"Aesthetics."

Would the project:

"Substantially degrade the existing visual character quality of the site and its surroundings?" A "No impact" answer is noted. This could not be further from the truth. The proposed "Monopine" in no way blends into the surrounding environment as discussed above. This is substantiated by the visual exhibits that clearly show the proposed structure to stand out like a sore thumb. This is also the tallest object, man made or otherwise for approximately 1 mile, perhaps further. How can it possibly be stated there is "No Impact" from this Project? You may want to test this with the neighbors in the Carson Crossing subdivision, and/or even those with properties within the Business Park and those on the hill east of Latrobe Road (they weren't Noticed on the project, were they??).

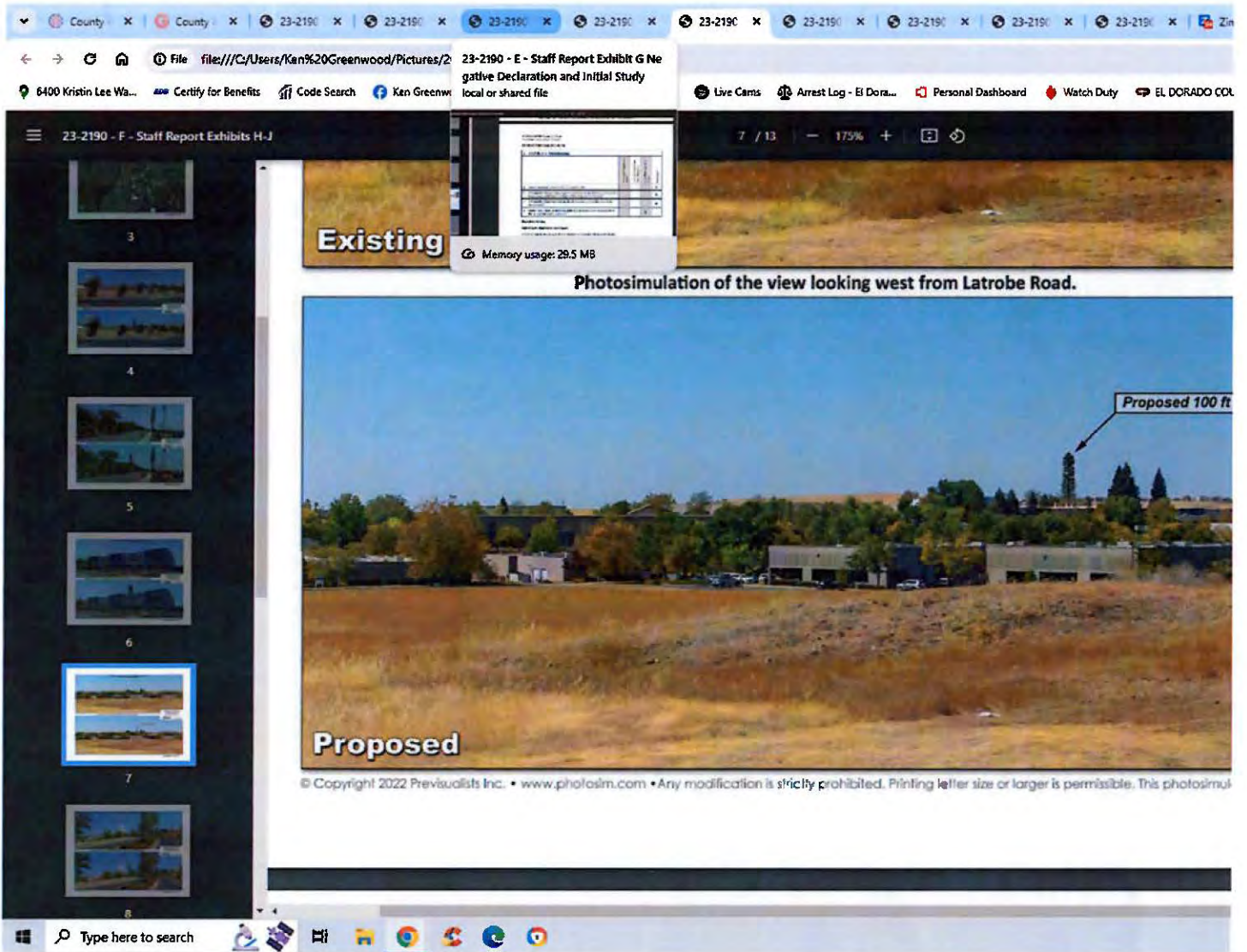
The following discussion in the ND is clearly from another project as I see no "Pines" along any of the roads! The wide view Photo-sim CLEARLY shows ONE conifer and the WTF would be the most DOMINANT feature in the entire area to the furthest ridge to the NW. It is CLEARLY a fake tree. An 8' fence helps aesthetics of a 100' tower?

c. Visual Character: Photosimulations of the proposed monopine have been included with the project application. The proposed 97-foot-tall monopine tower is proposing visual concealments including full radius pine branches and natural foliage colored antenna and associated equipment. The tall pine trees along Carson Xing Dr and elevation of the proposed structure above the road level will help conceal the proposed monopine from traffic in the immediate vicinity. The project site is surrounded by parcels with similar foliage and vegetation. The lease area will be surrounded by an 8-foot chain-link fence and is further concealed by proposed vegetation. Any potential impacts would be less than significant.

I believe this Project SIGNIFICANTLY impacts the "site and its surroundings." The Photo-sims don't lie! Therefore the Environmental Review is flawed regarding "Aesthetics".

Would the Project:





Based on this lack of evidence in the Record, the required findings for a CUP are not attained, and the CEQA Analysis is flawed, you must deny this project.

Thank you,

Ken Greenwood

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"Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?" Oddly this answer is "Less than Significant"

This photo simulation below is an example of "No Significant Impact" on the local views?



And this ^^^^ is not significant? Would you buy that home in the Carson Crossing Subdivision? Would you see it every time and know it is not a tree...

Based on this view from Latrobe Road (on an aerial photo with no scale), it sure looks like it dominates the Local View in a MAJOR/Significant manner. There is no requirement the project site be in or visible from a designated scenic corridor or District, to be considered "Significant".



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**CUP23-0010 Additional Documents :: FW: COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, EDH VERIZON WIRELESS COMMUNICATIONS FACILITY PROJECT, SCH#2023110290, EL DORADO COUNTY**

Benjamin A. Koff <Benjamin.Koff@edcgov.us>

Thu 12/14/2023 12:51 PM

To:Aurora M. Osbual <Aurora.Osbual@edcgov.us>

 1 attachments (231 KB)

2023110290\_EDH\_Verizon\_Wireless.pdf;

Hi Aurora,

This was sent over by the Central Valley Regional Water Quality Control Board during the hearing.

As this project is going to be continued, can you please add this to the public record?

Thanks,

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**From:** Minkel, Peter G.@Waterboards <Peter.Minkel2@waterboards.ca.gov>

**Sent:** Thursday, December 14, 2023 10:02 AM

**To:** Benjamin A. Koff <Benjamin.Koff@edcgov.us>

**Subject:** COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, EDH VERIZON WIRELESS COMMUNICATIONS FACILITY PROJECT, SCH#2023110290, EL DORADO COUNTY

Benjamin,

Enclosed are our comments for your Project. Please email if you have any questions.

Pete

Peter Minkel  
401 Water Quality Certification and Dredging Unit  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670



## Central Valley Regional Water Quality Control Board

13 December 2023

Benjamin Koff  
El Dorado County,  
Planning and Building Department  
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### **COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, EDH VERIZON WIRELESS COMMUNICATIONS FACILITY PROJECT, SCH#2023110290, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 9 November 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the EDH Verizon Wireless Communications Facility Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.



**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water issues/water quality certification/](https://www.waterboards.ca.gov/centralvalley/water%20issues/water%20quality%20certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water%20issues/waste%20to%20surface%20water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: [https://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

*Peter Minkel*

Peter Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento