

## **FINDINGS**

### **Conditional Use Permit CUP24-0013/AT&T Monopine Loch Leven Dr. Planning Commission/January 22, 2026**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the Staff Report and evidence in the record, the following Findings can be made:

#### **1.0 California Environmental Quality Act (CEQA) FINDINGS**

- 1.1 Denial of project entitlements is statutorily exempt pursuant to CEQA Guidelines Section 15270, Projects which are Disapproved.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is not consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: The proposed wireless telecommunications facility is not consistent with the policies of the General Plan, which includes General Plan Policy 2.2.5.18 and 2.2.5.21, as described below.

##### **2.2 The project is not consistent with General Plan Policy 2.2.5.18.**

General Plan Policy 2.2.5.18 states that standards in the form of setbacks and other requirements shall be added to the Zoning Ordinance to buffer incompatible uses.

Rationale: The proposed wireless telecommunications facility does not meet the minimum setback distance that is required of proposed wireless telecommunications facilities that are adjacent to a site with an existing residential use or a site that is zoned for residential uses. The proposed facility, with its 140-foot-tall monopine, is required to be at least 210 feet from the nearest property line or residential structure, whichever is closer. The proposed facility is approximately 30 feet from the nearest property

line that is adjacent to a residentially-zoned vacant parcel. Furthermore, it appears that there are three (3) residences within 210 feet of the proposed facility. The applicant has requested a 180-foot setback waiver, but as described in the Staff Report, the project application has not demonstrated that the proposed telecommunications facility site would best reduce the visual impact on the surrounding area and roads compared to other feasible locations on-site or off-site. As proposed, this project is not consistent with this policy.

### **2.3 The project is not consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed facility does not meet the minimum setback distance for wireless telecommunications facilities proposed on sites that are adjacent to residential uses or residentially-zoned sites. A 180-foot setback waiver request has been submitted as part of this application, but the project application does not demonstrate how the proposed site would best reduce visual impact on the surrounding area and roads in comparison with other feasible locations on-site or off-site. Therefore, it is not consistent with this policy.

## **3.0 ZONING FINDINGS**

### **3.1 The project is not consistent with Section 130.40.130(F)(2).**

Section 130.40.130(F)(2), Development Standards and Design Guidelines, states that compliance with the applicable zone setbacks is required. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure. For towers (including monopoles), when the proposed facility is on a site that is adjacent to a site with an existing residential use or a site that is zoned for residential uses, a minimum setback shall be equal to 1.5 times the overall height of the telecommunications tower. Setback waivers may be considered by the discretionary permit authority, as needed, to allow flexibility in landscaping and siting the facility in a location that best reduces the visual impact on the surrounding area and roads.

Rationale: Because the proposed facility is on a site that is adjacent to a site that is zoned for residential uses, it is subject to a minimum setback equal to 1.5 times the overall height of the telecommunications tower, measured to the nearest property line or structure, whichever is closer. The proposed facility would be required to have a minimum 210-foot setback from the applicable lot line or structure, whichever is closer to the facility. The proposed facility (i.e., fenced enclosure) is approximately 30 feet from the property's westerly property line, which is shared with a residentially-zoned vacant parcel. The proposed monopine structure is approximately 52 feet from the westerly property line. Therefore, the project is not consistent with the telecommunication facilities minimum setback requirement.

A 180-foot setback waiver request has been submitted as part of this application. The application materials do not demonstrate how the proposed site would best reduce visual impact on the surrounding area and roads in comparison with other feasible locations. No comparable visual analysis, such as photosimulations, for other feasible siting locations was provided to demonstrate that other feasible siting locations on or off-site would have more visual impact on the surrounding area and roads. Further, staff analysis concludes that an alternative location likely exists within the project parcel that potentially meets all setback requirements and has not been considered.

### 3.2 **The project is not consistent with Section 130.40.130(K).**

Section 130.40.130(K), Additional Sites and Needs Analysis, states that the application for a discretionary permit shall contain a site justification letter that includes an alternative sites analysis, a discussion of alternative sites that would accomplish the project goals, an evaluation of the feasibility of using multiple small sites to meet coverage needs rather than a single large site, and a description of the need for the proposed facility based on the adequacy of existing coverage. The letter shall detail meaningful outreach to owners of alternative sites. The analysis shall provide specific comparative analysis of how different sites would impact aesthetic and environmental values, as applicable.

Rationale: The submitted site justification letter does not include detailed specific comparative analysis of how different sites would impact aesthetic and environmental values (Exhibit H). The proposed project application details that two (2) sites were deemed infeasible: The property owner of the private property at 5425 Sly Park Road decided to sell the property, and the U.S.

Forest Service's El Dorado Hot Shots Fire Station location was deemed to be outside the service ring and posed other challenges as a federal facility.

The applicant states that the El Dorado Irrigation District (EID) owns a significant amount of land in the service ring, which the applicant suggests could potentially meet their criteria as alternative project locations. However, the alternative sites analysis stated that EID did not show interest in leasing its land for the subject telecommunications use thereby removing (EID) property from alternative location possibilities. The application did not list additional feasible sites, nor analyze how they would impact aesthetic and environmental values in comparison to the proposed facility at its subject site and location.

#### **4.0 CONDITIONAL USE PERMIT FINDINGS**

##### **4.1 The issuance of the permit is not consistent with the General Plan.**

The proposed use is not consistent with the policies and requirements of the General Plan as discussed above in Section 2.0, General Plan Findings.

##### **4.2 The proposed use would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.**

The proposed use could be injurious to the neighborhood by not meeting the minimum setback distance for proposed wireless telecommunications facilities that are on or adjacent to sites with existing residential uses or undeveloped residentially-zoned properties, thereby conflicting with existing and potential residential uses and residentially-zoned lands.

##### **4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Wireless telecommunications facilities are allowed in the Two-Acre Residential (R2A) zone with the approval of a Conditional Use Permit. However, they must comply with Zoning Ordinance Section 130.40.130, Telecommunication Facilities. The proposed use does not meet Section 130.40.130(F)(2) and 130.40.130(K), which pertain to setbacks and the alternative sites analysis. The setback waiver request does not adequately address the setback waiver finding that the proposed site would best reduce visual impact on the surrounding area and roads in comparison to other feasible locations.