

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 22, 2026

Staff: Craig Osborn

CONDITIONAL USE PERMIT

FILE NUMBER: CUP24-0013/AT&T Monopine Loch Leven Dr.

APPLICANT/AGENT: Public Safety Towers, LLC.

OWNER: Douglas C. and Kathleen A. Baxter

REQUEST: Conditional Use Permit request to allow the construction and operation of a new multi-carrier wireless telecommunications facility, which consists of a 140-foot-tall monopine structure and ground equipment, including a 30-kilowatt diesel generator, within a new 30-foot by 40-foot leased area, enclosed by an eight-foot-tall wood fence.

A 180-foot waiver from the setback requirement, as stated in Zoning Ordinance Section 130.40.130(F)(2), Development Standards and Design Guidelines, is being requested by the applicant (Exhibit F).

LOCATION: On the north side of Rainbow Trail, approximately 370 feet east of the intersection with Loch Leven Drive, in the Pollock Pines area (Exhibit A).

**SUPERVISOR
DISTRICT:** 5

APN: 042-321-007

ACREAGE: 10.05 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: Two-Acre Residential (R2A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutorily exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15270, Projects which are Disapproved.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Deny Conditional Use Permit CUP24-0013 based on the Findings as provided below.

EXECUTIVE SUMMARY

This is a Conditional Use Permit (CUP) request to allow the construction and operation of a new multi-carrier wireless telecommunications facility, which consists of a 140-foot-tall monopine structure and new ground equipment within a new 30-foot by 40-foot leased area, enclosed by an eight-foot-tall wood fence. A 180-foot waiver from the setback requirement, as stated in Zoning Ordinance Section 130.40.130(F)(2), Design Standards and Design Guidelines, is being requested by the applicant.

REGULATORY AUTHORITY

This project is located within a Two-Acre Residential (R2A) zone and is within 500 feet of a residential zone. It is therefore subject to Planning Commission approval, pursuant to Section 130.40.130(D)(7)(b), New Towers or Monopoles.

PROJECT INFORMATION

Tolling Timeframe: CUP24-0013 was submitted on January 16, 2025. A determination of application incompleteness was issued on January 28, 2025. A response from the applicant with additional materials was received on February 12, 2025, and a subsequent complete letter was issued the same day. With an application date of January 16, 2025, the 150-day shot clock period would have expired on June 15, 2025; however, that shot clock period was paused after the incomplete letter was issued on January 28, 2025, using 13 days of the shot clock. The pause ended when additional application materials were submitted on February 12, 2025 and the application was deemed complete. At that point, 13 days had elapsed from the shot clock and 137 days remained, making the new shot clock deadline June 27, 2025. The project includes a tolling agreement, which originally extended the project time to December 31, 2025. A new tolling

agreement extends the timeframe to January 23, 2026 (Exhibit D). The new tolling agreement has provided an additional 45 days to account for a potential Board of Supervisor's appeal hearing.

Background: The subject parcel has been developed with a single-family residence. The proposed development site is an undeveloped portion of the southwest corner of the subject parcel.

Site Description: The 10.05-acre subject parcel is located on the east side of Loch Leven Drive, approximately 370 feet north of the intersection with Rainbow Trail, in the Pollock Pines area. . The topography of the subject parcel is gently sloping up to 100 feet from south to north, with an average elevation of approximately 3,620 feet above mean sea level (AMSL), on the western slope of the Sierra Nevada Mountains. The upper north corner along Loch Leven Drive is approximately 3,700 feet AMSL and the southern corner along Rainbow Trail is approximately 3,600 feet AMSL.

The proposed lease area consists of a 1,200-square-foot fenced area on the southwest corner of the parcel. The vegetation on the site is primarily grass and pine trees (Exhibit A). The proposed wireless telecommunications facility would be located on a relatively flat area adjacent to Rainbow Trail behind a roadside row of pine trees, which aid in the concealment of the facility. The subject parcel borders residentially-zoned parcels, including Residential Estate-10 Acres (RE-10) parcels to the east, One-Acre Residential (R1A) and Single-Unit Residential (R1) parcels to the north, and R1 parcels to the west and south. The site is located within the Pollock Pines Rural Center.

Project Description: A CUP to allow the construction and operation of a new multi-carrier wireless telecommunications facility, which consists of a 140-foot-tall monopine structure and ground equipment within a new 30-foot by 40-foot leased area, enclosed by an eight-foot-tall wood fence and surrounded by a three-foot-wide maintenance-free apron/barrier. The monopine is proposed to include 12 antennas, 12 remote radio units, three (3) DC-9 surge suppressors, three (3) fiber trunks, and nine (9) DC power trunks. The ground equipment consists of two (2) utility H-Frames, one (1) outdoor cabinet on a new concrete pad, one (1) 30-kilowatt (kW) diesel generator on a new concrete pad, one (1) Global Positioning System (GPS) unit, one (1) ice bridge, and installation of new electrical and fiber service (Exhibit G). Primary access to the wireless telecommunications facility would be through a new encroachment from Rainbow Trail, through a 12-foot wide double-access chain-link access gate proposed at the existing fence line, along the proposed twelve-foot-wide gravel access road. Barbed-wire would be prohibited across the top of the two six-foot (6') gates, unless requested and approved as part of this CUP. The applicant is requesting a 180-foot waiver from the setback requirement, as available according to Section 130.40.130 (F)(2), and discussed below Staff Analysis (Exhibit F).

STAFF ANALYSIS

This project represents the first facility proposal to be reviewed with the 130.40.130 Telecommunications Ordinance update, approved by the Board on December 3, 2024. The update included a new setback. Staff informed this applicant of these revised regulations on several occasions.

Though the proposed telecommunication facility meets the R2A zoning building setbacks, it does not meet the minimum setback required for towers that are on a parcel adjacent to parcels with an existing residential use or a site zoned for residential uses (Zoning Ordinance Section 130.40.130(F)(2)). The minimum setback is equal to 1.5 times the overall height of the telecommunications tower and shall be measured from the part of the facility closest to the applicable lot line or structure. Section 130.40.130.Q (Glossary) defines wireless telecommunications facilities as “equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to provided wireless telecommunications services.”

Staff has independently performed spatial analysis that indicates that an alternative location within the subject parcel could potentially meet the required setback (Exhibit M). The conceptual diagrammatic staff-analyzed alternative location in the northern region of the project site would not only meet the required setback, but would also minimize the visual impact for all neighborhood residents beyond the project site, due to the proposed project’s 30-foot’ proximity to the singular ingress/egress road (Rainbow Trail) (Exhibit M). It is not clear that the applicant has addressed any alternative north of the southern peninsula of the parcel (Exhibit F). An area in excess of 30 feet by 30 feet appears to be capable of meeting all requirements, at a topographic location potentially 40-60 feet higher than the applicant’s proposed facility location (Exhibit M). The alternative site located by staff would be at least 210 feet from the northern, eastern, and western property lines, as well as 210 feet away from the existing residence.

The proposed telecommunications facility is located on a site primarily surrounded by residentially-zoned parcels. Its southwest property line is adjacent to Rainbow Trail, with residential uses beyond. Because the height of the monopine is 140 feet, the proposed telecommunications facility must be a minimum of 210 feet from the nearest property line or residential structure, whichever is closer. In all, five (5) neighboring property lines are nearer the proposed facility than the minimum 210 feet required. The proposed facility (i.e., fenced enclosure) is approximately thirty feet from the westerly property line, which is shared with a vacant residentially-zoned vacant parcel. The proposed monopine structure is approximately fifty-two feet from the westerly property line. Therefore, a 180-foot waiver from this setback requirement is being requested by the applicant.

The applicant has stated that the current location would best conceal the wireless

telecommunication facility on-site due to the proximity of existing trees, though many of said trees along the roadway have been severely cut by PG&E (Exhibit F). In the setback waiver request, the applicant has stated that relocating the facility to the east would likely encroach upon the existing and replacement septic system leach field areas. Staff has provided the as-built septic permit plan for reference (Exhibit L).

The applicant contends that relocating the facility to the north or northeast within the project parcel's southern peninsula would likely pose similar encroachment issues with the existing septic system areas and create challenges with sloping topography, a lengthened access driveway, and crossing a natural drainage course; this potential location would also expose the facility to the greatest number of viewpoints. Further, the applicant states that relocating the facility to the south or southeast would place the facility in a drainage area, lead to an increase of the height of the monopine due to the lower elevations, and lead to the removal of existing trees (Exhibit F).

Photosimulations have been provided for the proposed facility from seven (7) viewpoints (Exhibit I). Photosimulation 5 shows that the proposed facility is prominently visible to the public from Rainbow Trail, given that the proposed facility is not obscured by the row of existing trees along Rainbow Trail and is approximately 45 feet from Rainbow Trail. Additionally, it appears that the proposed 12-foot wide double-access chain-link access gate at the existing fence line along Rainbow Trail was not incorporated into Photosimulation 5 (Exhibits G and I).

For a setback waiver to be approved, the regulation suggests that the proposed facility should be in a location that best reduces the visual impact on the surrounding area and roads. The regulation indicates that a comparative analysis would be necessary to demonstrate that the proposed location will have the least visual impact on the applicable viewpoints. While the applicant-provided setback waiver justification does provide a description of the challenges of other locations on-site, it has not shown that the proposed location would best reduce the visual impact on the surrounding area and roads compared to other feasible locations on-site or off-site and thereby justify the setback waiver request (Exhibit F). A site plan that shows the other feasible locations on-site or off-site and corresponding documentation and visual analysis, such as photosimulations of the other feasible locations, would help demonstrate whether the proposed site would have the least visual impact compared to other feasible locations.

Alternative Sites Analysis: According to the alternative sites analysis (Exhibit H), the applicant reviewed two (2) other sites with the potential to provide coverage for the service gap in the area. The applicant had made substantial progress with working with the property owner of 5425 Sly Park Road until the applicant was informed that the property owner would sell the property. The second location, the U.S. Forest Service's El Dorado Hotshots Fire Station, was also considered, but the location was not considered optimal for coverage. The applicant also stated that it would

also be “significantly cumbersome” to work with a federal facility (Exhibit H). The applicant reached out to El Dorado Irrigation District (EID) to inquire about opportunities to locate on their property but did not receive a response from EID.

The alternative sites analysis did not include a specific comparative analysis of how different sites would impact aesthetic and environmental values, as required in Section 130.40.130(K), Additional Sites and Needs Analysis (Exhibit H).

The submitted alternative sites analysis did not include at least one (1) other feasible property or other feasible location within the project parcel that could be compared to the subject site in terms of aesthetic and environmental impact. This leads to the possibility that there may be other locations that would better reduce visual impact on the surrounding area and roads, especially as the proposed facility is prominently visible from Rainbow Trail and clearly visible from several other viewpoints.

Application Resubmittals: Per Section 130.54.080(A), Resubmittals, if the Planning Commission disapproves the CUP, no application for the same or substantially similar CUP shall be filed for the same site, or any portion of the site, for at least 12 months following the date of the disapproval, except where the Planning and Building Department Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.

Environmental Review: Denial of project entitlements is statutorily exempt pursuant to CEQA Guidelines Section 15270, Projects which are Disapproved.

In accordance with CEQA, staff prepared an Initial Study analyzing the potential environmental effects resulting from implementation of the project. Based on the Initial Study, a Negative Declaration was prepared. The Negative Declaration and Initial Study was circulated for a 20-day period, from October 30, 2025 to November 18, 2025. It has been included as Exhibit J for reference. Public comments to the draft Negative Declaration and Initial Study have been contemplated with the final proposed Initial Study and are attached as Exhibit K.

General Plan Consistency: Staff has determined that the proposed project is not consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0, General Plan Findings.

Zoning Ordinance Consistency: Staff has determined that the proposed project is not consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, which includes Section 130.40.130(F)(2) and Section 130.40.130(K), as discussed below in Sections 3.0 and 4.0, Zoning and CUP Findings.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Exhibit A.....	Vicinity Map
Exhibit B.....	Land Use Designation Map
Exhibit C.....	Zoning Designation Map
Exhibit D.....	Telecommunication Facility Tolling Agreement
Exhibit E.....	Radio Frequency Report
Exhibit F.....	Setback Waiver Request
Exhibit G.....	Project Plans
Exhibit H.....	Alternative Sites Analysis
Exhibit I.....	Photosimulations
Exhibit J.....	Proposed Negative Declaration and Initial Study
Exhibit K.....	Initial Study Public Comment
Exhibit L.....	Septic Permit Site Plan
Exhibit M.....	Staff Visual Analysis of Subject Parcel Alternative

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