

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



**Agenda of:** August 13, 2020  
**Staff:** Gina Hamilton

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** CUP19-0007/AT&T CAF II, Frenchtown 2 (Shingle Springs)

**APPLICANT/AGENT:** AT&T Mobility c/o Jared Kearsley, Epic Wireless Group, LLC

**PROPERTY OWNER:** Matt Lippman

**REQUEST:** Conditional Use Permit to allow the construction and operation of a 160-foot high stealth monopine wireless communication facility, enclosed walk-in equipment shelter and emergency backup generator within a 40-foot by 40-foot leased area.

**LOCATION:** On the west side of Big Canyon Road, approximately 690 feet south of the intersection with French Creek Road, in the Shingle Springs area, Supervisorial District 3. (Exhibits A, B & C)

**APN:** 091-070-022 (Exhibit D)

**ACREAGE:** 85.05 acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit E)

**ZONING:** Rural Lands, 10 acres (RL-10) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Conditional Use Permit CUP19-0007 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Conditional Use Permit would allow for the construction and operation of an unmanned wireless communication facility consisting of a 160-foot high stealth monopine tower, enclosed walk-in equipment shelter and emergency backup power generator within a 40-foot by 40-foot leased area to be constructed at 5101 French Creek Road (APN 091-070-022) in the Shingle Springs area. The height of the proposed tower is needed to create a direct line of sight to provide broadband internet and wireless network coverage in the Shingle Springs area of the County. Section 130.40.130 of the Zoning Ordinance allows wireless facilities within the Rural Lands, 10 acres (RL-10) zone, subject to the approval of a Conditional Use Permit by the Planning Commission. Staff has determined that the proposed project is consistent with applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **SETTING**

The project site is located approximately 690 feet south of the intersection with French Creek Road in the Shingle Springs area. The project lease area is located in the northern portion of an 85.05 acre parcel. The project site is dominated by oak woodlands and topography within the project parcel ranges from flat to moderately steep hillsides with slopes ranging from 0 percent to 30 percent. The tower location's elevation is approximately 1,145.5 feet above sea level and the tower site is virtually flat. An abandoned mine is located approximately 40 feet north of the project site.

The antenna and tower will be concealed by faux monopine branches with needle-style antenna socks. Supporting ground equipment within the lease area, including a walk-in equipment shelter and emergency backup generator, would be concealed from view mainly due to topography and its location on the project parcel. The project lease area is located in the northern portion of an 85.05 acre parcel, approximately 715 feet from the proposed access point at the northern property line at the intersection of French Creek Road and Big Canyon Road, 360 feet from the eastern property line, approximately 665 feet from the western property line, and approximately 0.4 miles from the southern property line. The nearest off-site residential dwellings are approximately 730 feet northwest and 780 feet northeast of the proposed lease area (Exhibit C).

## **PROJECT DESCRIPTION**

The applicant is requesting a Conditional Use Permit, pursuant to Section 130.40.130 of the El Dorado County Zoning Ordinance, to construct an unmanned wireless telecommunication facility. The applicant is participating in a Federal Government funded project called the Connect America Fund (CAF), which is to provide underserved areas throughout the United States in general – and throughout El Dorado County in particular – with hi-speed broadband internet. The CAF program requires the applicant to provide broadband internet services capable of 10 Mbps download and 1 Mbps upload speeds. The proposed facility would provide much needed

coverage in the project area, where AT&T Mobility has identified a significant gap. The facility consists of a 160-foot stealth monopine wireless co-locatable communication facility with twelve (12) antennae panels, twenty-four (24) remote radio units, one (1) GPS unit, and associated equipment concealed on the tower, and would include a new 8-foot by 8-foot walk-in equipment shelter and emergency backup power generator located within a 40-foot by 40-foot (1,600 square foot) fenced lease area.

The antenna and tower will be concealed by faux monopine branches with needle-style antenna socks. Supporting ground equipment within the lease area, including a walk-in equipment shelter and emergency backup generator, would be concealed from view mainly due to topography and its location on the project parcel. The tower would be built to allow for co-location opportunities.

The project lease area is located in the western portion of an 85.05 acre parcel, approximately 30 feet from the east property line and accessed from near the intersection of French Creek Road and Big Canyon Road via a new gravel access road. A proposed 15-foot wide AT&T utility easement consisting of a 12-foot wide, 709-foot gravel access road with a 16-foot wide gate and fire department knox box would be installed at the entrance to the access road.

The proposed project would include extension of telco and power to the project lease area. There is an existing power pole on the project parcel near the northern boundary which would be the point of contact for the proposed project. An existing telco line running north-south near the eastern boundary of the parcel would provide telco services to the proposed project.

Currently, the project parcel is undeveloped. The proposed project would result in the removal of 0.07-acre impact to oak woodland, subject to the in-lieu fee as specified in the County Oak Resources Management Plan. Access to the lease area and operation of the facility will not interfere with existing uses on the property. Planning Commission approval of this Conditional Use Permit for this wireless facility is being requested pursuant to the requirements of Section 130.40.130 of the Zoning Ordinance (Communication Facilities).

The unmanned facility would provide wireless high speed internet and enhanced wireless network coverage 24 hours a day, 7 days a week. Maintenance workers will visit the site approximately once per month to once per quarter. The generator will be operated once per week on weekdays between the hours of 8:00 a.m. and 7:00 p.m. for approximately 15 minutes for maintenance purposes and during emergency power outages. There would be temporary construction noise associated with development of the facility. The construction phase of the project is anticipated to last approximately two to three months and will not exceed acceptable construction noise levels.

Required fire protection services will be provided to the project site by the El Dorado County Fire Protection District (Fire District).

## STAFF ANALYSIS

**Environmental Review:** Staff has prepared an Initial Study and has determined that there is no substantial evidence that the project would have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,406.75 after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to The Planning Department and must be made payable to El Dorado County. The \$2,406.75 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

The Initial Study (Exhibit L) identified one potentially significant impact to biological resources including potential adverse effects on nesting and migratory birds and special-status birds. Additionally, the Cultural and Historical Resources Investigation prepared for the proposed project identified cultural and historic resources on the project parcel. The report indicate neither the resources on the project parcel, including mining remnants, nor the abandoned mine site or project parcel, are considered ineligible for the National Registry or the California Register listings. Further, the abandoned mine on the site are not considered unique or historically significant. The site investigation determined that the proposed project would not have any direct physical impact on the resources nor would its presence reduce the integrity of the setting. However, given the presence of known resources identified during the site survey, there may be potential for the discovery of previously-undiscovered resources during construction. Also, Wilton Rancheria indicated that the site lies within a culturally sensitive area.

However, any significant impacts to the aforementioned resources would be avoided or reduced to a less-than-significant level by mitigation measures incorporated into the project. To ensure compliance with required mitigation measures, a Mitigation Measures Agreement (MMA) will be required, signed by both the County and applicant, to ensure the applicant will comply with the County Mitigation Monitoring and Reporting Program (MMRP). For this project, the MMRP incorporates four specific mitigation measures (BIO-1, BIO-2, CR-1, CR-2, and TCR-1), included as staff report Conditions of Approval No. 16 through 20. The project MMRP will be adopted in conjunction with the Mitigated Negative Declaration.

**General Plan Consistency:** Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.1.2.2 (adequate public services for new discretionary development), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access), and Policy 7.4.4.4 (impacts to oak resources). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** Staff has determined that the project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, including:

1. Minimized impacts of new communication facilities and utilization of co-locations where feasible (Section 130.40.130.A);
2. Conditional Use Permit requirement (Section 130.40.130.B.6.b); and
3. Standards for construction and development including visual simulations, development standards, RF requirements, co-location availability, unused facility removal, and permit application requirements (Sections 130.40.130 [C-H]).

For details, please refer to the discussion in Section 3.0 of the Findings.

**Alternative Sites Analysis:** The project applicant provided an alternative sites analysis (Exhibit J). A total of six other sites were considered. Property owners for three candidate sites did not respond to AT&T's letters of interest. Three property owners indicated interest in leasing space for the facility. However, based on viability, siting needs, and/or high visibility, parties were unable to determine an appropriate facility location on two of these properties. The third property was initially identified as the preferred site; however, after further discussion with the property owner, they elected not to encumber their property and passed on leasing the site to the applicant. Details regarding the alternate site analysis are discussed in Section 3.0 of the Findings.

**Conditions of Approval:** The project was distributed to 15 County, local, state and federal agencies and departments for review and comment. In response to this initial distribution, comments were received from El Dorado County Air Quality Management District (AQMD) and El Dorado County Environmental Management Department (EMD).

EMD comments focused on hazardous materials reporting and exemption from construction and demolition (C&D) debris recycling requirements. EMD comments have been incorporated as Conditions of Approval Nos. 21 and 22. AQMD comments focused on construction emissions, fugitive dust, and operational emissions associated with the emergency generator, and have been incorporated as Conditions of Approval Nos. 23 through 29.

In addition, the application was also distributed to applicable Native American tribal organizations pursuant to the requirements of AB 52. Wilton Rancheria indicated that the site lies within a culturally sensitive area and requested tribal monitoring during ground-disturbance activities. Mitigation Measures CR-2, CR-3, and TCR-1 in the Initial Study addresses potential adverse effects to Tribal Cultural Resources, which are included as staff report Conditions of Approval No. 19 through 20.

**Public Comments/Outreach:** No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was also posted on the Planning Department Planning Commission webpage. No physical sign posting is required for Conditional Use Permits.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B.....	Location Map
Exhibit C.....	Site Area
Exhibit D.....	Assessor's Parcel Page
Exhibit E.....	General Plan Map
Exhibit F.....	Zoning Map
Exhibit G.....	Submitted Plan Set
Exhibit H.....	Coverage Map
Exhibit I.....	Photosimulations
Exhibit J.....	Alternative Sites Analysis
Exhibit K.....	Radio Frequency-Emissions Compliance Report
Exhibit L.....	Proposed Mitigated Negative Declaration and Initial Study