

7/16/2018

Edcgov.us Mail - Regarding AT&T site #7

PC 7-26-18

#3  
5 pages

Planning Department <planning@edcgov.us>



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## Regarding AT&T site #7

1 message

Sun, Jul 15, 2018 at 6:13 PM

To: "planning@edcgov.us" <planning@edcgov.us>





[REDACTED]

To whom this may concern, I am trying to figure out if there was an official Environmental Impact Report done on proposed site #7 on Gods Way in Lotus. It seems that only a "Staff Analysis" by the county regarding the environment was conducted according to El Dorado County Attachment A- Staff Report (see attachments). I am requesting that the Environmental Protection Agency conduct their own study to determine if the proposed area is at risk. There is not one single thing mentioned on the county's environmental report that mentions birds or wildlife in the proximity of site #7. Considering that site #7 is located between BLM land and a Certified Wildlife Habitat, all plans for this telecommunications tower should be stopped at once until an Environmental Impact Report from the Environmental Protection Agency is completed.

Thank you,

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### 4 attachments

-  **Staff Analysis Environmental Review.pdf**  
294K
-  **EDC attachment 18-0161 C 4 of 8.pdf**  
387K
-  **EDC attachment 18-0161 C 5 of 8.pdf**  
390K
-  **US FISH AND WILDLIFE SERVICE.pdf**  
387K

## STAFF ANALYSIS

**General Plan Consistency:** Staff has reviewed and determined that the proposed project is 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 reviewed and determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in the Findings.

**Environmental Review:** Staff has prepared an Initial Study (Site 1-7 Exhibit J) and determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, subject to specific mitigation measures, and a Mitigated Negative Declaration has been prepared. The Applicant contends that the project is exempt from environmental review pursuant to CEQA Guidelines Section 15303, which applies to “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” Although staff has elected to prepare a Mitigated Negative Declaration for the project, it acknowledges the Applicant’s contention and, as such, reserves argument as to whether the project is exempt from environmental review pursuant to CEQA Guidelines Section 15303.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings  
Conditions of Approval

Sites 1-7, Exhibit A.....Location Map  
Sites 1-7, Exhibit B.....Assessor’s Parcel Map  
Sites 1-7, Exhibit C.....Land Use Designation Map  
Sites 1-7, Exhibit D.....Zoning Designation Map  
Sites 1-7, Exhibit E.....Aerial Map  
Sites 1-7, Exhibit F.....Plan Set (11 pages)  
Sites 1-7, Exhibit G.....Visual Simulations  
Sites 1-7, Exhibit H.....Coverage Maps  
Sites 1-7, Exhibit I.....Radio Frequency Report  
Sites 1-7, Exhibit J.....Proposed Mitigated Negative Declaration and Initial Study

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

13. All outdoor lighting shall conform to Section 130.34 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

14. In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee after approval, but prior to the County filing the Notice of Determination (NOD) on the project. The current fee plus a \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The payment is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. The NOD must be filed within five working days from the project approval. The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.
15. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Conditional Use Permit.

### **Mitigation Measures**

#### **16. Biological Resources Mitigation Measure #1 (All Sites):**

All vegetation clearing including removal of trees and shrubs shall be completed between September 1 and February 14, if feasible. If vegetation removal and grading activities begin during the nesting season (February 15 to August 31), a qualified biologist shall conduct a pre-construction survey of the project footprint for active nests. Additionally, the surrounding 500 feet shall be surveyed for active raptor nests where accessible. The pre-construction survey shall be conducted within 14 days prior to commencement of ground-disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If nests are found and considered to be active, the project biologist shall establish buffer zones to prohibit construction activities and minimize nest disturbance until the young have successfully fledged. Buffer width will depend on the species in question, surrounding existing disturbances, and specific site characteristics, but may range from 20 feet for some songbirds to up to 500 feet for raptors. If active nests are found within any trees slated for removal, then an appropriate buffer shall be established around the trees and the trees shall not be removed until a biologist determines that the nestlings have successfully fledged or until the nest is no longer active. In addition, a pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for the active avian nests. If construction activities are proposed to begin during the non-breeding season (September 1 through January 31), a survey is not required and no further studies are necessary.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of survey prior to issuance of grading permit.

**Monitoring Responsibility:** El Dorado County Development Services Division.



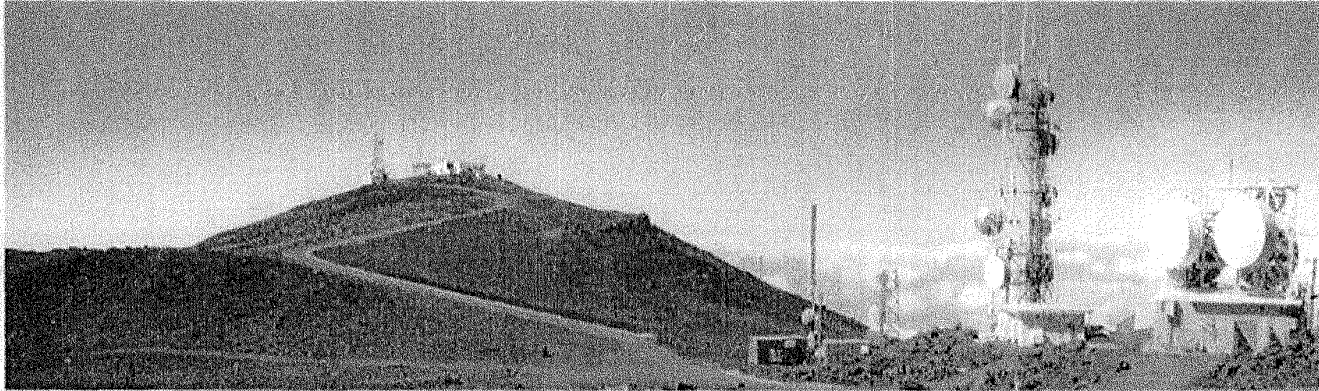
U.S. Fish & Wildlife Service

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## Communication Towers

### What is the issue?

It is estimated that around 6.5 million migratory birds collide with communication towers in the United States annually.

Communication towers transmit signals such as radio, TV, cellular, microwave, paging, messaging, public safety, wireless data, and emergency broadcasting. They are built to meet the needs of the industry, ensuring that "line of sight" communication signals are not blocked by trees, topography, or buildings, while minimizing development costs. Therefore, towers can be some of the tallest human-made structures on the landscape.

### WHAT MATTERS MOST?

Migratory bird resources just for you:

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