

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



Agenda of: June 13, 2024

Staff: Benjamin Koff

CONDITIONAL USE PERMIT

FILE NUMBER: CUP23-0011/Malcolm Dixon Verizon Communications Facility

APPLICANT/AGENT: Kevin Gallagher, Complete Wireless Consulting Inc. o/b/o Verizon Wireless

OWNER: Malcolm Dixon, LLC.

REQUEST: A request for a Conditional Use Permit for the construction and ongoing operation of an unmanned, 108-foot-tall faux pine tree (monopine) wireless telecommunications facility and accessory items within a 40'-0" x 40'-0" lease area. The telecommunications facility is proposed to include one (1) 103-foot tall monopine tower, nine (9) antennas, six (6) remote radio units, two (2) surge suppressors, one (1) 30kW diesel standby generator and 211-gallon fuel tank, and two (2) equipment cabinets. The facility will be camouflaged as a pine tree, including branching, needle socks, and paint. Panel antennas would be installed at a tip height of 98'-0", with the remaining height needed for a faux "crown" to adequately conceal the antennas and maintain a silhouette mimicking a natural pine tree. No water or sewer service would be required for the proposed project as it is an unmanned facility. Electricity will be provided by Pacific Gas & Electric (PG&E). The project is proposing a 55-foot-long, 12-foot-wide access road within a proposed 20'-0" access/utility easement off of Malcolm Dixon Rd., north of the property. No trees are proposed for removal.

LOCATION: The project is located on the south side of Malcolm Dixon Road, 4,000 feet west of the intersection of Green Valley Rd, in the Arroyo Vista area, Supervisorial District 4. (Exhibits A and B).

APN: 126-070-010 (Exhibit C)

ACREAGE: 5.05 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit D)

ZONING: Residential Estate, 5 Acres (RE-5) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Negative Declaration prepared based on an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines (Exhibit K).

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with CEQA Guidelines;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Conditional Use Permit CUP23-0011 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

A request for a Conditional Use Permit for the construction and ongoing operation of an unmanned, 108-foot-tall faux pine tree (monopine) wireless telecommunications facility and accessory items within a 40'-0" x 40'-0" lease area (Exhibit F). The telecommunications facility is proposed to include one (1) 103-foot tall monopine tower, nine (9) antennas, six (6) remote radio units, two (2) surge suppressors, one (1) 30kW diesel standby generator and 211-gallon fuel tank, and two (2) equipment cabinets. The facility will be camouflaged as a pine tree, including branching, needle socks, and paint. Panel antennas would be installed at a tip height of 98'-0", with the remaining height needed for a faux "crown" to adequately conceal the antennas and maintain a silhouette mimicking a natural pine tree.

PROJECT INFORMATION

Tolling Timeframe: CUP23-0011 was submitted on April 17, 2023. A determination of application incompleteness was made on May 19, 2023. Staff sent a second incomplete letter on September 28, 2023, informing the applicant that several items remained outstanding. The third round of incomplete submittal items was received on December 29, 2023. Staff reviewed these materials and on January 2, 2024, sent a follow-up completeness letter. Tolling time of 150 days is complete as of April 17, 2024. The County and the applicant executed a tolling agreement to extend the tolling timeframe to the regularly scheduled Planning Commission hearing of May 9, 2024. The tolling agreement was signed by the applicant and received on March 21, 2024. The executed agreement between Verizon Wireless and the County has extended the period for review of the application under the federal Telecommunications Act to May 13, 2024, with a

further extension upon any appeal to June 26, 2024. On May 2nd, 2024, the County and the applicant executed a tolling agreement to extend the existing tolling timeframe to June 17, 2024. If the application is appealed to the Board of Supervisors, the time period shall be further extended to July 31, 2024.

Background: The subject parcel is RE-5 (Residential Estate, 5 acres) in the County General Plan and is zoned Low Density Residential (LDR). The proposed project is not located within any rural center, community region, or specific plan identified in the Zoning Ordinance or General Plan. The surrounding land uses are similarly zoned, with RE-5 parcels to the north, east, south, and west. This site has never included a cellular facility.

Site Description and Location: The subject parcel, consisting of 5.05 acres, is located on the south side of Malcolm Dixon Road, 4,000 feet west of the intersection of Green Valley Road, in the Arroyo Vista area. The proposed project location has been moderately disturbed, including the development and maintenance of the adjacent roadways and single-family residential development. The parcel is bisected by Malcolm Dixon Road, with the northern portion of the parcel developed for residential use. The proposed cellular facility will be located on the southern portion of the parcel, which, at present, is undeveloped. The southern portion of the parcel is occupied by high grass cover and scattered oak trees. As no tree removal is proposed, installation of the proposed facility will not result in significant impacts to native vegetation communities or suitable habitat for any sensitive species.

The subject parcel, as well as surrounding parcels, consist predominantly of residential development dispersed throughout oak savanna and oak woodland. The project applicant proposes a 55-foot-long, 12-foot-wide access road within a proposed 20'-0" access/utility easement off of Malcolm Dixon Rd., north of the project location (Exhibit A). The sited lease area is surrounded by cleared, flat lands which does not include tree canopy or landscaping which could aid in the concealment of the cellular facility. The parcel of concern borders similarly zoned RE-5 parcels to the south, north, east, and west. A mapped stream and adjacent wooded area are located approximately 490 feet southwest of the proposed site.

Project Description: A request for a Conditional Use Permit for the construction and ongoing operation of an unmanned, 108-foot-tall faux pine tree (monopine) wireless telecommunications facility and accessory items within a 40'-0" x 40'-0" lease area. The telecommunications facility is proposed to include one (1) 103-foot tall monopine tower, nine (9) antennas, six (6) remote radio units, two (2) surge suppressors, one (1) 30kW diesel standby generator and 211-gallon fuel tank, and two (2) equipment cabinets.

The proposed monopole will include three (3) sets of antennas and associated mounted equipment. The first set of antennas will be mounted with a tip height of 98'-0" and will include nine (9) antennas. Mounted supporting equipment for the first set of antennas includes two (2) surge suppressors and six (6) remote radio units. The proposed monopole will be engineered to accommodate at least one additional carrier.

To aid in concealment of the proposed wireless facility, the proposed tower will be concealed as a monopine. The pole and panel antennas will be painted a flat brown color. Additionally, the

panel antennas will utilize needle socks. All antennas, antenna mounts, antenna equipment, and fully exposed cables will be placed fully within the monopine branch radius. Along with the concealment/stealth taking place on the tower, a wooden fence will be installed around the lease area.

The two (2) equipment cabinets and 30kW standby back-up generator will be set on a 12'-6" x 17'-6" concrete slab, positioned in the southern portion of the proposed lease area. A Verizon Wireless Global Positioning System (GPS) antenna is also proposed at this location. The generator and cabinets will be setback from the adjacent property boundaries by a distance in excess of the setback requirements for RE-5 zoned parcels. No supporting equipment will be mounted on the generator.

The project location was selected to provide coverage in this area's service gap. The proposed facility will service the gap that exists in the eastern Highland Hills and Green Valley Road areas, east of El Dorado Hills.

STAFF ANALYSIS

Environmental Review: In accordance with the California Environmental Quality Act CEQA staff has prepared an Initial Study analyzing the potential environmental effects resulting from the implementation of the project (Exhibit K). Based on the Initial Study, a Mitigated Negative Declaration has been prepared with one mitigation measure (MM-BIO1), for potential impacts to nesting birds, which would lessen the potential impacts to less than significant. A Mitigation Monitoring Reporting Program (MMRP) shall incorporate these measures, which shall be applied as Conditions of Approval for the project.

According to the CEQA Guidelines Section 15075, filing a Notice of Determination (NOD) is required to initiate a 30-day statute of limitations on legal challenges to the County's environmental determination. The filing of the NOD is optional; however, not filing the NOD extends the statute of limitations for legal challenges to the project from 35 days to 180 days. Should the applicant choose to have the NOD filed and recorded, the applicant shall submit to Planning Services a recording fee of \$50.00 as required by the County Recorder, as well as the current 2023 California Department of Fish and Wildlife CEQA review fee for a Mitigated Negative Declaration, \$2,764.00. This fee is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

General Plan Consistency: Staff has 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 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 Sections 3.0 through 4.0, Zoning and Conditional Use Permit Findings.

AGENCY COMMENTS

The project was distributed for review to affected/interested agencies and departments, including the El Dorado County Air Quality Management District (AQMD), El Dorado County Department of Transportation (DOT), El Dorado County Environmental Management Department (EMD), CAL FIRE, El Dorado Hills Fire Protection District, El Dorado County Stormwater Division, El Dorado County Surveyor's Office, El Dorado Irrigation District (EID), PG&E, and State of CA – Public Utilities Commission. Comments were received from the AQMD, DOT, EMD, El Dorado Hills Fire Protection District, PG&E, and El Dorado County Stormwater Division. These comments have been included in the Conditions of Approval section.

PUBLIC COMMENTS

As of date, public comments were submitted to Planning Services from: Suzanne Blake, David Gersten, Nanette and Craig Barranti, Ashely Oxford, Vern and Phyllis Miller, Don Mette, Katie Pierman, and Steven Ulrich. All public comments are included with this Staff Report.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location/Vicinity Map
Exhibit B.....Aerial Map
Exhibit C.....Assessor’s Parcel Map
Exhibit D.....General Plan Land Use Map
Exhibit E.....Zoning Map
Exhibit F.....Site Plan
Exhibit G.....Tolling Agreement and Extension
Exhibit H.....Photosimulations
Exhibit I.....Radio Frequency Study
Exhibit J.....Public Comments
Exhibit K.....Proposed Mitigated Negative Declaration and Initial Study