

FINDINGS

Special Use Permit S14-0009/AT&T Cell Tower Skyline Drive Planning Commission/February 26, 2015

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 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Adopted Plan (AP) land use designation of the subject site as defined by General Plan Policy 2.2.1.2 and the Plan Area Statement 120 designation as defined by the Tahoe Regional Plan. The project consists of a cell tower, which is consistent with the allowed uses for the One-Family Residential - Tahoe (TR-1) Zone District with an approved County Special Use Permit and with the permissible uses for the TRPA's Plan Area Statement 120, Tahoe Paradise Meadowvale with an approved TRPA Special Use Permit.
- 2.2 As conditioned, and with adherence to the Zoning Ordinance, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 Policy 2.2.5.21 (compatibility with surroundings) because the project is located, designed, and conditioned in such a manner that avoids any substantial incompatibility with residential land uses permitted on adjoining lands. The tower facility is located on the property in a location that avoids the cutting or cropping of pine trees and is surrounded by other pine trees that will help to screen the tower from adjacent properties and Skyline Drive. The equipment shelter will be constructed and painted to resemble the on-site residence, including a pitched roof with matching shingles, such that it may resemble a second dwelling or shed building. Also, the tower pole will be painted dark brown and include faux pine tree branches and antennas covered in foliage socks to blend with the faux branches.

- 2.2.2 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel's public utility easement or the County's right-of-way at Skyline Drive;
- 2.2.3 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved utility road within an existing public utility easement; and
- 2.2.4 Policy 6.5.1.7 (noise exposure) because the project has been designed so that HVAC units or backup generators will not be used, thus having no noise levels during operation of the facility and thus complying with the County's standards listed in Table 6-2 in the General Plan and the maximum Community Noise Equivalent Levels established in the Plan Area Statement 120 of the Tahoe Regional Plan, both that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned One-Family Residential - Tahoe (TR-1), which allows wireless communication facilities with an approved special use permit, provided the applicant follows standards and permitting requirements defined in Section 130.14.210 of the Zoning Ordinance. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the Zoning Ordinance because sufficient screening, setbacks, and maintenance have been provided and/or conditioned.

4.0 SPECIAL USE PERMIT FINDINGS

- 4.1 **The issuance of the permit is consistent with the General Plan.**

The proposed use is consistent with the policies and requirements in the General Plan, as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0.

- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a wood fence and existing pine trees, and the tower pole and antennas will be buffered by the brown and green paint, manufactured pine branches, foliage socks, as well as the existing pine trees surrounding the tower. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff

report. At 2.9 percent of the public safety standard established by the FCC at the nearest residence, the risk of RF emissions to the surrounding public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.14.210.E through J (facility requirements/analysis) and 130.56.040 (minimum yard setbacks for TR-1 Zone District) and with the requirements of Plan Area Statement 120 of the Tahoe Regional Plan, the cell tower facility is a specifically permitted use.

5.0 TELECOMMUNICATIONS ACT OF 1996 FINDINGS

5.1 The project as proposed meets certain requirements of the Telecommunication Act of 1996 concerning the provision of personal wireless services.

Pursuant to the Act, Section 332(c)(7)(B), El Dorado County did not unreasonably discriminate among providers of functionally equivalent services nor prohibit or have the effect of prohibiting the provision of personal wireless services in considering the placement and construction of a personal wireless service facility. Further, El Dorado County did not regulate the placement and construction of a personal wireless service facility on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions.