

Findings

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 Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (MMRP) reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (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 Planning Department at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Rural Residential (RR) land use designation establishes areas suitable for agricultural and residential uses in the County's Rural Regions.

Rationale: The project has a Rural Residential General Plan Land Use Designation. The project site is surrounded by oak woodland and rural residential uses. Although the project will result in a commercial use, it has been designed to visually blend in with existing landscape, and will require vehicle trips only for the construction of the facility and for monthly-quarterly facility maintenance. The project will be compatible with surrounding uses and will provide wireless high speed internet and enhanced wireless network coverage, which the area currently lacks.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits be reviewed to determine consistency with the policies of the General Plan and that project approval shall not be granted without a finding of consistency.

Rationale: The project has been reviewed for consistency with relevant General Plan policies and, as discussed, herein, has been found to be consistent with these policies.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utility to be impacted by that development.

Rationale: The project was reviewed by the El Dorado County Environmental Management and Department of Transportation for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The operation of the facilities will require no water, sewer, or solid waste service as they are unmanned facilities. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the stealth monopine tower and ground equipment shelters would not generate solid waste.

2.4 The project is consistent with General Plan Policy 5.1.2.2.

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: Fire protection services are provided to the project site by the El Dorado County Fire Protection District (Fire District). The facilities will not require the use of potable water, as they are unmanned facilities and no plumbing is proposed for the facility.

2.5 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: Fire protection services are provided to the project site by the El Dorado County Fire Protection District (Fire District). The proposed project would be conditioned to meet the current 2019 CA Fire Code, El Dorado County Fire Ordinance 2019-02, National Fire Protection Association (NFPA) standards, and other appropriate standards. The Fire District would review the details of the project during processing of the building permit.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, the project will install a new gravel driveway which will be accessed from a public road. The proposed project would be conditioned to meet the current 2019 CA Fire Code, El Dorado County Fire Ordinance 2019-02, National Fire Protection Association (NFPA) standards, and other appropriate standards. The Fire District would review the details of the project during processing of the building permit.

2.7 The project is consistent with General Plan Policy 7.4.2.9.

General Plan Policy 7.4.2.9 requires all applications for discretionary projects located on parcels with an Important Biological Corridor (-IBC) overlay include a site-specific biological resources technical report that determines the presence of special-status species or habitat for such species that may be affected by a proposed project.

Rationale: The proposed project is located on a parcel with an -IBC overlay. The applicant provided a site-specific Biological Resources Evaluation that evaluated the proposed project's potential impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement, and provided mitigation measures for impacts to oak woodlands and nesting birds. These mitigation measures are reflected in Mitigation Measures BIO-1 and BIO-2.

2.8 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources be mitigated in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project would require the removal of 0.38 acre of oak woodland. None of the trees to be removed are considered heritage trees (as defined in the El Dorado County Zoning Ordinance Section 130.39.030). The proposed project would be conditioned to mitigate for impacts to oak woodlands through payment of the County's in-lieu fee. The current in-lieu fee is \$8,285 per acre, as specified in the County Oak Resources Management Plan (ORMP). The in-lieu fee cost for a 0.38-acre impact to oak woodland is \$3,148.

In addition, the proposed project would be conditioned to incorporate Mitigation Measure BIO-1 to avoid potential impacts to oak trees in oak

woodlands bordering the project site, which may be affected by project operation and project construction activities such as clearing, grading, and pruning for clearance requirements.

2.9 **The project is consistent with General Plan Policy TC-Xa**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project is not a residential development; therefore this Policy does not apply.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. intentionally blank (Resolution 125-2019, August 6, 2019)
4. intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project is not a residential development; therefore this Policy does not apply.

2.10 The project is consistent with General Plan Policy TC-Xb

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan, and;
- C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.11 The project is consistent with General Plan Policy TC-Xc

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.12 The project is consistent with General Plan Policy TC-Xd

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual.

Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.”

Rationale: This project will not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county- maintained road or state highway.

2.13 The project is consistent with General Plan Policy TC-Xe

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B or C of this policy are not met.

2.14 The project is consistent with General Plan Policy TC-Xf

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project does not meet any of the thresholds specified in General Plan Policy TC-Xe: Therefore, the project is consistent with this Policy.

2.15 The project is consistent with General Plan Policy TC-Xg

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions, and no mitigating improvements are required.

2.16 This project is consistent with General Plan Policy TC-Xh

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay TIM fees at the time a building permit is issued.

2.17 The project is consistent with General Plan Policy TC-Xi

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.40.130(A).

Section 130.40.130.A minimizes the number of communication facilities by encouraging the joint use of towers and service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and development new sites that are multi-carrier.

Rationale: The project applicant provided an alternative sites analysis (Exhibit J) with a search radius of greater than one mile. This document highlights the challenges and constraints of locating appropriate alternative sites in the vicinity. Of those sites made available by landowners of the alternatives sites investigated, the selected site was identified as the most optimum in providing

additional services and capacity to the area. It will also have the capacity to serve as a co-location site for two additional future carriers. A total of seven sites were considered, including the proposed site. No existing towers were located within the search area. 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.

Challenges Affecting Alternative Sites:

Candidate A (APN: 091-150-046): No response from letters of interest.

Candidate B (APN: 091-070-059): No response from letters of interest.

Candidate C (APN: 091-010-048): This site is a 278-acre site (zoned RL-10) located approximately 0.50 miles southeast of the center of AT&T's search ring. This site was chosen as AT&T's preferred candidate as the RF Engineer's simulation yielded approximately 15 percent more living units than the proposed project site. However, after further investigating the real estate side of the transaction, the landowner chose not to encumber their property with a long-term leasehold.

Candidate D (APN: 091-070-059): Property owner was interested in leasing space to AT&T; however, a viable placement could not be determined. Locations that property owner suggested were either not constructible or too visible to the public and/or nearby dwellings.

Candidate E (APN: 091-070-026): No response from letters of interest. (This candidate is listed as Candidate E on the search ring map and listed as Candidate G in the alternative sites summary in Exhibit J.)

Candidate F (APN: 091-070-026): Interested but could not locate a viable and agreed upon site location.

3.2 The project is consistent with Section 130.40.130(B)6.

Section 130.40.130(B)6 requires that proposed towers or monopoles not located within commercial, industrial, or research and development zones; not located adjacent to a state highway or designated scenic corridor; and not located within 500 feet of any residential zone be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: The proposed tower site is located within an area zoned RL-10. Therefore is subject to a Conditional Use Permit subject to review by the Planning Commission.

3.3 **The project is consistent with Section 130.40.130(C-H).**

Section 130.40.130(C-H) of the Zoning Ordinance requires that in all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

C. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.

Rationale: Photo-simulations of the facility are provided in Exhibit I of the Staff Report. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

D. Development Standards: The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the following criteria:

- 1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.*

Rationale: The project site is located in a rural residential area. The surrounding area consists mainly of rural residential land uses and oak woodland. The project has been designed such that the stealth monopine would blend in with adjacent trees. The stealth monopine “trunk” will be painted a flat brown or similar non-glare earth tone color and the branches and foliage will be painted a flat dark green color. 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.

- 2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.*

Rationale: The site is located within the Rural Lands, 10 acres (RL-10) zone, which identifies 30-foot setbacks for Front, secondary front, sides,

rear for non-agricultural structures. The project lease area is located in the northern portion of the 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.

3. *Maintenance. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: Conditions are recommended to ensure that the colors and materials of the equipment building, tower, and ground support equipment will be maintained at all times and will be consistent with the features depicted in the visual simulations and elevations (Exhibits G and I).

- E. *Radio Frequency (RF) Requirements. The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.*

Rationale: A submitted RF analysis report confirms compliance with the applicable FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits)(Exhibit K).

- F. *Availability. All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The proposed stealth monopine tower is intended to be and designed to accommodate future co-location of other carriers. Any separate future collocation would require a revision to this conditional use permit and/or building permit, subject to review by the County.

- G. *Unused Facilities. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.*

Rationale: The project has been conditioned to comply with this requirement (Condition of Approval #7).

H. Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:

1. School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.

Rationale: Not applicable. The proposed wireless facility is not located within 1,000 feet of a school.

2. Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.

Rationale: Not applicable. The facility is proposed to be located on agriculturally-zoned land.

4.0 CONDITIONAL 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 above.

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 are buffered from view by existing commercial structures and vegetation, as well as slatted fencing around the project site. The proposed tower is a stealth monopine. As conditioned, the project will not result in significant environmental impacts to neighboring 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. In the Radio Frequency Emissions Compliance Report for AT&T Mobility dated July 12, 2019 submitted for this project, the maximum predicted power density level of exposure from all operations of this telecommunication facility, using worst-case predictive modeling,

will not exceed FCC General Population limits. Therefore, the proposed operation will not expose members of the general public to hazardous levels of RF energy and the risk of exposure to RF emissions is remote.

4.3 **The proposed use is specifically permitted by Conditional Use Permit.**

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.C through H (development standards/conditions), the communication facility is a specifically permitted use with an approved Conditional Use Permit.