

FINDINGS

Conditional Use Permit CUP19-0007/AT&T CAF II, Frenchtown 2 Planning Commission/August 13, 2020

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 7.4.4.4.

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 0.07 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 0.07-acre impact to oak woodland is \$579.95.

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.

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.