

## FINDINGS

### **Conditional Use Permit CUP23-0011/Malcolm Dixon Verizon Communications Facility Planning Commission/June 13, 2024**

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 reflects the independent judgment of the County and has been completed in compliance with California Environmental Quality Act (CEQA) and is adequate for this project.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 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 and Building Department, Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

The Low-Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available.

Rationale: The project proposes to allow the construction and operation of a new telecommunications facility. The land use designation of the subject parcel allows for the development of communication facilities. The proposed monopine facility will not intensify uses on the parcel to a significant degree and will not result in negative impacts to the general health, safety,

or welfare of nearby residents. As proposed, and as conditioned, this proposal is consistent with this policy.

**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 shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: The proposed Conditional Use Permit (CUP) is consistent with applicable General Plan policies as discussed in the Staff Report and is, therefore, consistent with this policy.

**2.3 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids incompatibility or shall be located on a different site.

Rationale: The proposed 103-foot-tall monopine tower will be located on the southern portion of the subject parcel. The nearest residentially developed parcel to the proposed project is approximately 35'-4" away (immediately to the east). The proposed monopine is setback from the adjacent property boundaries by a distance in excess of the setback requirements for residential estate, 5-acre (RE-5) zoned parcels. The proposed monopine has been designed and located in a manner that avoids incompatibility with adjoining land uses and is therefore consistent with this policy.

**2.4 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 utilities to be impacted by that development.

Rationale: The project was distributed to the El Dorado County Department of Transportation (DOT), Pacific Gas and Electric (PG&E), El Dorado Hills Fire Protection District, and CAL FIRE for review. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. Therefore, this project is consistent with this policy.

**2.5 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is located on a parcel that is partially developed. The site is currently served by El Dorado Hills Fire Protection District for fire protection and El Dorado Irrigation District (EID) for water service. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. No changes are anticipated with regards to the demand of potable or emergency water by this project. Therefore, the proposed project is consistent with this policy.

## 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: The project was distributed to DOT, El Dorado Hills Fire Protection District, and CAL FIRE for review. No issues or concerns were raised regarding the adequacy of site access. Roads and driveways associated with the proposed project shall comply with California Code of Regulations (CCR) Title 14 §§ 1270.00 - 1276.04 and California Code of Regulations Title 24 – Part 9 (CFC), Section 503 (Fire Apparatus Access Roads), as amended locally.

## 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 must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed as part of the proposed project. Therefore, the project is consistent with this policy.

## 3.0 ZONING FINDINGS

### 3.1 The proposed use is consistent with Title 130.24.

The proposed project site is located within the RE-5 zoning designation.

Rationale: Table 130.24.020 specifies that establishing and operating communication facilities in a RE-5 zone shall either be allowed through issuance of an Administrative Permit or CUP, subject to Section 130.40.130. This project proposes a facility that is within 500-feet of a residential zone and is thus subject to the Zoning Ordinance standards per Section 130.40.130 (B.6.b). The project site is located within 500 feet of any residential zone and is therefore subject to Planning Commission review. This application fulfills the requirements of Title 130.23.

**3.2 The project is consistent with Section 130.40.130(A).**

Section 130.40.130A specifies that communication service providers shall employ all reasonable measures to site their antennas on existing structures prior to applying for new towers or poles. Providers shall also work with other service providers and the Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites Countywide.

Rationale: The project will result in the construction and operation of a new monopine telecommunication facility. The project analyzed alternative sites; however, colocation opportunities were not identified as being feasible to address the coverage objectives of Verizon Wireless. The facility is engineered to accommodate one additional carrier. Therefore, the project as proposed is consistent with Section 130.40.130(A).

**3.3 The project is consistent with Section 130.40.130(B)(6)(b).**

The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:

- b. In all other zones, or where located adjacent to a State highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

Rationale: The proposed tower is located within a RE-5 zone and is surrounded by similarly zoned parcels. Abutting the subject parcel, within 500-feet, are established residential developments. As such, the proposed project is subject to the Zoning Ordinance standards per Section 130.40.130 (B)(6)(b) and requires Planning Commission review. This application for a CUP fulfills the requirement as outlined within 130.40.130(B)(6)(b) above.

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

Section 130.40.130(C-H) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria.

- 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: Photosimulations of the facility are provided in Exhibit H of this Staff Report. These simulations demonstrate how the facility would use faux pine tree branches to conceal the proposed wireless facility. Therefore, the project is consistent with this policy.

D. Development Standards: 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. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.

Rationale: The project site is located on a portion of a partially developed parcel that is currently inhabited by high grass cover and scattered oak trees. While there are oak trees and other vegetative cover on site, no tree canopy exists within the proposed 40-foot by 40-foot lease area. As vegetative cover is not feasible in this location, the proposed wireless facility has been designed using stealthing/concealment elements. 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/stealthing taking place on the tower, a wooden fence will be installed around the lease area. Therefore, as proposed and conditioned, the project is consistent with this development standard.

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 RE-5 zone, which identifies a 30-foot front, secondary front, 30-foot rear yard setback standard, and 30-foot side yard setback standard. The project will be located in excess of these minimum standards for the RE-5 zone.

3. Maintenance: All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping, shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.

Rationale: The project has been conditioned to conduct routine wireless facility maintenance for the ongoing operation and safety of all equipment to occur approximately once a month. Additional immediate visits will occur if the site equipment is not functioning. The Conditions of Approval for the project shall ensure that the colors and materials of the stealth enclosure and ground equipment enclosure will be maintained at all times and will be consistent with the features as depicted in the photosimulations (Exhibit H).

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: The submitted application includes an RF analysis report that confirms compliance with the applicable Federal Communication Commission (FCC) Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit I).

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

Rationale: The project proponents have confirmed adequate space will be available for future co-location with one other cellular service provider.

G. Unused Facilities: All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned.

Rationale: The project has been conditioned to comply with this requirement.

H. Permit Application Requirements: Notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands with a Homeowners Association (HOA).

Rationale: The proposed project is not located within 1,000 feet of a school or residentially zone lands with a Homeowners Association (HOA). The project will comply with the appropriate hearing notification requirements.

#### **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 of 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 conflict with the adjacent uses as the ground-support equipment and tower are sited on a parcel which is zoned and developed for residential use and for which a telecommunication facility is a use allowed by CUP. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring parcels. 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. The risk of RF emissions to the surrounding public 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.A through H, the communication facility is a specifically permitted use with a CUP.