

**S15-0001/Swansboro Verizon Wireless Cellular Tower (Mono-Pine)** – As approved by the Board of Supervisors on June 7, 2016

**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 proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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, conditions of approval, and mitigation measures 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.
- 1.4 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 In Compliance with Policy 2.2.5.21, the wireless facility has been designed and conditioned in compliance with County regulations addressing incompatible siting and surrounding land uses, aesthetics, environmental issues, and health and safety concerns.
- 2.2 In compliance with Policy 5.1.2.1, the project will connect to existing electrical facilities, adequate utilities, and public services currently within the parcel.
- 2.3 In compliance with Policy 6.2.3.2, the project will develop a gravel driveway for access.
- 2.4 In compliance with Policy 6.5.1.7, the project will have noise levels anticipated to comply with the County's standards listed in Table 6-2 in the General Plan that limit non-transportation noise emission levels.

- 2.5 Site development would require the removal of one oak tree and has been evaluated for consistency with General Plan Policy 7.4.4.4 and the Interim Interpretive Guidelines for Oak Woodlands. According to the submitted *Biological Assessment for the Verizon Swansboro Site*, Foothill Associates, dated January 18, 2016, the project would remove less than 0.01 percent of oak tree canopy from a site that contains 26.8 acres of oak canopy. Impacts would be adequately mitigated through on-site replanting and implementation of all tree preservation and protection measures. The project is in compliance with General Plan Policy 7.4.4.4.

### **3.0 TITLE 120 SUBDIVISIONS ORDINANCE**

- 3.1 The project parcel was a result of a division of land after March 4, 1972. Section 120.76.090.G authorizes issuance of a conditional certificate of compliance if the parcel was created without the benefit of a Parcel or Final Map that has not been specifically cited in Chapter 120.76 of the El Dorado County Subdivision Ordinance. Certificate of Compliance COC04-0048 was approved by the Zoning Administrator on March 16, 2005 and imposes conditions which must be satisfied before the property can be considered legally established. Implementation of the conditions to this project will ensure compliance with the Subdivision Ordinance requirement.

### **4.0 ZONING FINDINGS**

#### **4.1 The project is consistent with Title 130.**

The parcel is located within the Rural Lands 40-Acre (RL-40) Zone District. The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for building setbacks.

The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards for wireless telecommunication facilities within the RL-40 Zone District.

#### **4.2 The project is consistent with Section 130.40.130.A.1.**

To minimize the number of communication facilities through encouraging the joint use of towers, service providers are encouraged to employ all reasonable measures to site their antenna equipment on existing structures, to co-locate where feasible, and develop new sites that are multi-carrier.

The new monopine tower will allow for placement of new Verizon equipment. No existing towers are located in the project area. The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility that justifies the need for this project site. The proposed cell tower will accommodate future co-locations consistent with this regulation.

**4.3 The project is consistent with Section 130.40.130.B.6.b.**

In all zone districts, other than industrial, commercial, and research and development zone districts, new towers or monopoles shall be subject to approval of a conditional use permit by the Planning Commission.

The applicant has submitted an application for a conditional use permit for the proposed cellular facility consistent with this regulation.

**4.4 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. 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.*

Photo-simulations of the facility are provided in Exhibit F-7 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.*

The project has been designed to blend in with the natural features and vegetation as directed by Section 130.40.130.D.1 of the Zoning Ordinance. The facility's outdoor equipment will be painted non-reflective natural colors. The monopine tower would be designed to resemble a pine tree with the tower pole painted flat brown to match the bark color of a pine tree, antennas located in man-made branches resembling pine tree limbs, and antennas and mounting equipment painted to match the branch color with pine needle socks installed around them to reduce visual impact. The monopine is designed to camouflage the facility and blend in

with the surrounding vegetation as illustrated in the photo simulations, site plan, and elevations (Staff Report Exhibits F-1 to F-5 and E-1 to E-8). Additional conditions of approval have been added requiring more realistic branch patterns as a visual buffer.

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.*

The RL-40 Zone requires a 30-foot front, side, and rear setback from property lines for all structures. Setbacks would be greater than 30 feet from all property lines. Therefore, the project is consistent with setback standards of the RL-40 Zone and Section 130.21.030 of the County Zoning Ordinance. (Staff Report Exhibit E-4).

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.*

Maintenance personnel would visit the site approximately one to two times per month, at which time the facility would be inspected to ensure proper operation. Conditions are recommended to ensure that the colors and materials of the 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.

- E. *Radio Frequency (RF) Requirements: Section 130.40.130.E of the County Code requires that the applicant submit a report or summary of the estimates of non-ionizing radiation generated by the facility and maximum electric and magnetic field strengths at the edge of the facility site, as regulated by the Federal Communication Commission (FCC).*

A submitted RF analysis report (Exhibit H) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits.

- F. *Availability. Section 130.40.130.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

The monopine would be constructed with the ability to accommodate the proposed Verizon equipment and future potential collocation of additional carriers. However, the specific location or quantities of future antennae have not been identified. Any separate future co-location would require consistency to this conditional use permit, subject to review by the County.

*G. Section 130.40.130.I of the Zoning Ordinance requires that all obsolete or unused communication facilities be removed within six months after the use of that facility has ceased or the facility has been abandoned.*

The project has been conditioned to comply with this requirement.

*H. Section 130.40.130.H of the Zoning Ordinance states certain notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.*

The project parcel is not within 1,000 feet of a school or located on residentially zoned land governed by CC&Rs. Therefore, these notification requirements do not apply to this project.

As proposed and conditioned, the project is consistent with the criteria in Section 130.40.130.C-H of the Zoning Ordinance.

## **5.0 SPECIAL USE PERMIT FINDINGS**

### **5.1 The issuance of the permit is consistent with the General Plan.**

As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

At 0.24 percent or less of the public safety standard established by the FCC, the risk of RF emissions to the surrounding public is remote. The use will not significantly conflict with surrounding uses. The facility will be visible from certain vantage points. However, the tower antennas will be concealed by monopine branches and additional landscaping. As discussed in Section 2.0 and 4.0 above, the project is consistent with applicable General Plan Policies and conforms to the requirements of the County Zoning Ordinance. An additional condition of approval has been added requiring more realistic branch patterns. As designed and conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

**5.3 The proposed use is specifically permitted by Special Use Permit.**

As discussed in Section 4.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.40.130.B.6.b subject to approval of a conditional use permit by the Planning Commission. The applicant has submitted an application for a conditional use permit to be reviewed by and subject to the approval of the Planning Commission.