

## **FINDINGS**

### **Conditional Use Permit Revision CUP-R22-0028/Pony Express Trail Cell Tower Extension Planning Commission/March 23, 2023**

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 Staff reviewed the project and found it exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures. Class Three exemptions consist of the construction and location of limited numbers of new, small facilities or structures including, as stated in Section 15303 (c), A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The project proposes the construction of an addition to a currently existing monopine facility. Therefore, the project is in conformance with CEQA Exemption Section 15303.
- 1.2 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 Multifamily Residential (MFR) designation identifies those areas suitable for high-density, single family and multifamily design concepts such as apartments, single-family attached dwelling units, and small-lot single-family detached dwellings subject to the standards set for in the Zoning Ordinance and which meet the minimum allowable density.

Rationale: The project proposes to allow the expansion and ongoing operation of a modification to an existing telecommunications facility. The existing telecommunications facility is located on a parcel which includes a prior developed Best Western Motel. The existing facility includes a 120-foot-tall monopine within a 1,500-square-foot lease area. The proposed expansion would include the addition of a 20-foot-tall extension to the top of the currently existing monopine structure. The extension would host 12 new antennas, three (3) surge protectors and 15 Remote Radio Units (RRUs). Proposed ground equipment includes a support cabinet and a back-up diesel generator to sit within a proposed 345-square-foot lease area located adjacent to the existing lease area. This expansion of use would occur on an existing approved telecommunication use. Therefore,

the proposal is consistent with the General Plan MFR land use designation.

**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: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

**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.

Rationale: The project proposes to allow the expansion and ongoing operation of a modification to an existing telecommunications facility. The existing telecommunications facility is located on a parcel which includes a prior developed Best Western Motel. The existing facility includes a 120-foot-tall monopine within a 1,500-square-foot lease area. The proposed expansion would include the addition of a 20-foot-tall extension to the top of the currently existing monopine structure. The extension would host 12 new antennas, three (3) surge protectors and 15 RRUs. Proposed ground equipment includes a support cabinet and a back-up diesel generator to sit within a proposed 345-square-foot lease area located adjacent to the existing lease area. The project would result in a collocation on an existing facility. Therefore, the facility has been located and designed to avoid incompatibility with surrounding land uses.

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

(1) Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) 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: This policy does not apply, as the project does not propose residential development.

(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 LOS F without first getting the voter's approval.

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

(3) and (4) Intentionally blank as noted in the General Plan.

(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 as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five (5) 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 does not create any residential parcel(s); therefore, this policy does not apply.

## 2.5 **The project is consistent with General Plan Policy TC-Xb.**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

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.

## 2.6 **The project is consistent with General Plan Policy TC-Xc.**

Policy TC-Xc directs that 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.

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

## 2.7 **The project is consistent with General Plan Policy TC-Xd**

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. LOS 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 (DOT) 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) LOS for any county-maintained road or state highway.

**2.8 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.

**2.9 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 (5) 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 LOS 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 LOS 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 will not worsen traffic on the County road system. Therefore, this policy does not apply.

**2.10 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.

**2.11 The 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 any applicable TIM fees at the time a building permit is issued.

**2.12 The project is consistent with General Plan Policy TC-Xi**

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

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

**2.13 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 DOT and PG&E for adequate public services capacity. There was no response received from the Fire Authority. No issues or concerns were raised regarding the adequacy of public services and utilities which will serve this project. Given telecommunications sites typically include a fire extinguisher in lieu of water and sanitation connections, there would be no changes to emergency utility requirements

resulting from the extension as requested. Therefore, this project is consistent with this policy.

**2.14 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 within a currently existing telecommunications facility. The proposed addition would result in de minimis impacts to water needs for all uses, including fire protection. Therefore, the proposed addition is consistent with this policy.

**2.15 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: As confirmed by DOT, the project was distributed for review to DOT and the El Dorado County Fire Department. No comments were received indicating that existing site access is not adequate. Therefore, the project is consistent with this policy.

**2.16 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. If oak trees were to be removed, an Oak Resource Technical Report and applicable oak mitigation in-lieu fees would be required prior to issuance of any grading or building permits.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.23.**

The proposed project site is located with the Multi-Family Residential (RM) zoning designation.

Rationale: Table 130.24.020 specifies that establishing and operating communication facilities in a RM zone shall either be allowed with approval of an Administrative or Conditional Use Permit. This project proposes a facility

which would be considered a new tower pursuant to Section 130.40.130 (B.5.e) and is therefore subject to the Zoning Ordinance standards pursuant to Section 130.40.130 (B.6.b). The project site is located within a 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.

Rationale: The project will result in the construction and operation of an extension onto an existing monopine stealth telecommunication facility. 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).**

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:

- A. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.
- 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 colocation is located within an MFR zone and is surrounded by similarly zoned and developed residential parcels. The subject parcel is located within the foreground view of a portion of U.S. Highway 50, which is a state designated scenic corridor. Specifically, the site sits within the scenic corridor labeled "2b" within Exhibit L. Review of this application by the Planning Commission for a Conditional Use Permit Revision 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: Photo-simulations of the facility are provided in Attachment H. These simulations demonstrate the proposed extension and how the facility would use faux pine tree branches to blend with the existing tree canopy. 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 (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 includes a currently existing monopine. The existing monopine facility includes required screening of ground equipment and makes use of faux pine tree branches to assist in concealing antennas. The proposed extension would not remove the screening of ground equipment. The extension would make use of the same faux pine tree branch concealment efforts to maintain consistency with the existing concealment efforts. The proposed project would be co-located on an existing approved monopine. Therefore, the project is consistent with this screening 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 proposed project is located on a site with an existing monopine facility, which is consistent with setbacks. The extension would increase the height of the monopine and increase the lease area by 345-square-feet. There would be no encroachment into setbacks. Therefore, the project is consistent with this standard.



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. Additional immediate visits will occur if the site equipment is not functioning. Conditions 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 elevations (Exhibit I). Therefore, the project is consistent with this policy.

- 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 FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit K). Therefore, the project is consistent with this policy.

- 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 is a co-location proposal. The proponents have confirmed adequate space will be available for future colocations with other cellular service providers. Therefore, the project is consistent with this standard.

- 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, but is located on residentially zoned lands. The subject property is not within an

HOA, and no adjacent properties are within an HOA. The project complies with the 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 telecommunications equipment is sited on a parcel which includes a currently existing monopine facility. 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 RF Emissions Compliance Report for AT&T Mobility dated November 28, 2018 submitted for this project, the maximum predicted power density level of exposure from all operations of this telecommunication facility is less than 1% of the 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.**

The proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.A through H; therefore, the proposed project is a specifically permitted use with a Conditional Use Permit.