

FINDINGS

Conditional Use Permit CUP23-0009/Bowman Telecommunications Facility Planning Commission/October 10, 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 Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgement of the County and has been completed in compliance with California Environmental Quality Act (CEQA) and is adequate for this project.
- 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 Division 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 Adopted Plan (AP) designation is a land use category that recognizes areas for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan is hereby adopted as the General Plan map for each such area. The plans recognized by the AP category do not include the now-superseded Area Plans that comprised the County's General Plan prior to the adoption of this General Plan. The adopted plan for the Tahoe Basin is the *Regional Plan for the Tahoe Basin* and the Plan Area Statements, both adopted by the Tahoe Regional Planning Agency (TRPA), and the Meyers Area (Community) Plan, adopted by El Dorado County and TRPA.

Rationale: The project proposes to allow the construction and operation of a new telecommunications facility within a 1,085-square-foot area on an overall 45-acre Open Space (OS) parcel that is used for trails and an archery range. The land use designation of the subject parcel allows for the development of communication facilities through an approved Conditional Use Permit (CUP). The proposed telecommunications facility would not preclude from future open space uses, or the current open space uses on the parcel to a significant degree. The El Dorado Hills Specific Plan had a draft Open Space Management Plan but it was never adopted, therefore review of uses are subject to County Zoning. 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 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 telecommunications facility will be located on the lower third and toward the middle portion of the subject parcel. The nearest residentially developed parcel to the proposed project is approximately 850 feet away (across El Dorado Hills Boulevard). The proposed telecommunications facility has been designed and located in a manner that avoids incompatibility with adjoining land uses by utilizing stealthing techniques such that the tower is made to appear as a water tower in an oak woodland on a hillside as well as being over 300 feet from any property line 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 various agencies, departments, and divisions for comments. 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 zoned OS. The site is currently served by El Dorado Hills Community Water District and Fire Protection District for fire protection and El Dorado Irrigation District (EID) for water service. The agencies have provided Conditions of

Approval that would ensure compliance with this policy. 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 County Department of Transportation (DOT), El Dorado Hills Fire Department (EDHFD), and CAL FIRE for review. Those agencies have provided Conditions of Approval that would address adequate access for emergencies, access/exits, and evacuation roads. Therefore, the project is consistent with this policy.

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 130.25.

The proposed project site is located within the OS zoning designation.

Rationale: Table 130.25.020 – Special Purpose Zone Use Matrix specifies that establishing and operating communication facilities in an OS zone shall be allowed through issuance of an approved CUP, subject to Section 130.40.130 – Communication Facilities. This project is a CUP, therefore the project is consistent with 130.25.020- Special Purpose Zone Use Matrix.

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 faux water tower telecommunications facility with room to co-locate. The project did analyze four (4) alternative sites: Fire Station on building co-location, St. Stephen's Lutheran Church building attached co-location, EID Water tank, or a new tower on different property. The alternative sites were analyzed by the applicant but were not possible due to the landowners not wanting to allow a new facility be constructed on their property or there was no more room to co-locate (Exhibit F). 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:

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 CUP in compliance with Section 130.52.021 - Conditional Use Permits.

Rationale: The proposed tower is located within an OS zone and is surrounded by residentially zoned parcels to the north, east, and west as well as OS zoned parcels to the south. East of the project site, within 500-feet, is the Serrano residential subdivision. 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 Conditional Use Permit 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 Exhibit G of this Staff Report. These simulations demonstrate how the facility would 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. 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's 1,085-square-foot lease area has been determined to be the least intrusive placement for the project and will not have a significant effect on surrounding uses or viewsheds as the surrounding area is Blue Oak Woodland with an archery range, trails, and clubhouse. The natural setting in combination with the stealth treatment of a faux water tower in natural earth tones screens this telecommunications facility. The ground equipment will be screened by fencing with natural earth toned privacy slats. Therefore, as proposed and conditioned, the project is consistent with this development standard.

2. Setbacks: Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, 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.

Rationale: The site is located within the OS zone, which identifies a 50-foot minimum setback for all fronts, sides, and rear of property. The project proposes construction at least 300 feet from the nearest property line therefore as proposed and conditioned, the project is consistent with this development 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 narrative discusses routine wireless facility maintenance for the ongoing operation and safety of all equipment to occur approximately once a month. 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 photo simulations (Exhibits E and G). Five (5) year reviews are required as a Condition of Approval.

- 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 H).

- 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-locations with other cellular service providers.

- 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. All site disturbance related to the facility shall be restored to its pre-project conditions.

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

- 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.
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: The proposed project is not within 1,000 feet of a school or located on residentially zoned land. The project complies with the appropriate hearing notification requirements.

4.0 130.52.021.C - CONDITIONAL USE PERMIT FINDINGS

4.1 Specific Findings for Conditional Use Permits. In addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a CUP:

1. The proposed use is consistent with the General Plan; and
2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically allowed by a CUP pursuant to this Title.

Rationale: The project is consistent with the General Plan as documented in the General Plan Findings above.

The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood as demonstrated by the submitted RF study and Fire/Emergency Medical Services (EMS) Conditions of Approval as well as the facility locations being at least 300 feet from closest property line.

The proposed use is specifically allowed by a CUP pursuant to this Title as documented by 130.25.020 – Special Purpose Zones Use Matrix.