

**S15-0007/Indian Creek Verizon Wireless** – As approved by the Planning Commission on November 12, 2015

## **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 Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with 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 Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Low Density Residential (LDR) land use designation with Important Biological Corridor overlay of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a telecommunications tower, which is consistent with the allowed uses for the Residential Estate Five-Acre (RE-5) Zone District with an approved Special Use Permit.
- 2.2 As conditioned, and with adherence to Zoning Ordinance, the project is consistent with all applicable Policies of the General Plan, including:
  - 2.2.1 Policy 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Placerville area;

- 2.2.2 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel;
- 2.2.3 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved driveway surface and construct a paved and gravel access road to the site that meets fire regulations for material type and slopes;
- 2.2.4 Policy 6.5.1.7 (noise exposure) because 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 acoustical noise emission levels; and
- 2.2.5 Policy 7.4.4.4 (oak trees) because the project improvements have been sited in a manner that will completely avoid the on-site oak tree canopy.

### **3.0 ZONING FINDINGS**

- 3.1 The project site is zoned Residential Estate Five-Acre (RE-5), which allows wireless communication facilities with an approved special use permit, provided the applicant follow standards and permitting requirements defined in Section 130.14.210 of the Zoning Ordinance. These standards include screening, compliance with setbacks, and proper maintenance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the Zoning Ordinance because sufficient screening, setbacks, and maintenance have been provided and/or conditioned.

### **4.0 SPECIAL 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 El Dorado County 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.

#### **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 will be buffered from view by on-site natural vegetation, and the tower antennas will be hidden by manufactured pine branches. The view of the tower will be buffered by the existing trees surrounding the tower. Further, it is a long distance from nearby residences and the Green Valley Road. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding 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. At one percent or less of the public safety standard established by the Federal Communications Commission (FCC), the risk of radio frequency (RF) emissions to the surrounding public is remote.

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

The proposed use complies with the requirements of Zoning Ordinance Section 130.14.210.E through J (facility requirements/analysis) and 130.28.210 (minimum yard setbacks for RE-5 Zone District).