

Findings

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 judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 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 Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

According to Policy 2.2.1.2, the Adopted Plan (AP) designation establishes 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.

Rationale: The project parcel has an AP General Plan Land Use Designation. The project is located within the Valley View Specific Plan area, which is accepted and incorporated by reference and the land use map is the adopted General Plan. As discussed in Section 3.0 below, the project is consistent with the Valley View Specific Plan and is therefore consistent with this General Plan policy.

3.0 VALLEY VIEW SPECIFIC PLAN FINDINGS

3.1 The project is consistent with the Valley View Specific Plan Land Use Plan.

Rationale: This project is located in the Valley View Specific Plan area, which is vested by the Valley View Specific Plan Development Agreement adopted by the El Dorado County Board of Supervisors on December 8, 1998, and in accordance with section 2.2 is subject to the rules in effect at the time of the agreement, the 1996 El Dorado County General Plan, including the December 8, 1998 amendments.

The proposed project is located within an area designated by the Valley View Specific Plan Land Use Plan as Open Space (VV-OS). Neither the Valley View Specific Plan as a whole, nor the VV-OS district within, addresses wireless communications facilities directly. Therefore, the applicable sections of the County Zoning Ordinance regarding Wireless Communication Facilities shall be enforced. The project demonstrates adequate public services and utilities to support the project, including emergency water availability and adequate access for fire protection consistent with the Valley View Specific Plan requirements.

The project is consistent with the requirements of the Valley View Specific Plan, and as discussed in Section 4.0 below the project is consistent with the County Zoning Ordinance. Therefore, the project is determined to be in compliance with the Valley View Specific Plan and the VV-OS district.

4.0 ZONING FINDINGS

4.1 The project is consistent with Section 130.40.130(A).

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.

Rationale: The applicant has considered alternative locations and has identified the proposed site as the most optimum in providing additional services and capacity to the area. The proposed tower would allow one additional carrier to collocate at this facility in the future.

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

In all zone districts, other than commercial, industrial, and research and development zone districts, which require a Minor Use Permit, new towers or monopoles shall be subject to approval of a Conditional Use Permit by the Planning Commission.

Rationale: The applicant has submitted an application for a conditional use permit to be reviewed by and subject to the approval of the Planning Commission.

4.3 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.

Rationale: Photo-simulations of the facility are provided in Exhibit I 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.

Rationale: The project location is a previously disturbed area adjacent to an existing water tank. However, the surrounding area is dominated by rolling hills interspersed with oak canopy. The project has been designed to blend in with the natural features and vegetation in the project vicinity as directed by Section 130.40.130(D) of the Zoning Ordinance. The facility outdoor equipment will be painted non-reflective natural colors. The mono-oak tower would be designed to resemble an oak tree with the tower pole painted natural brown to match the bark color of an oak tree, antennas located in faux branches resembling oak tree limbs, and antennas and mounting equipment painted to match the branch color with oak leaf socks installed around them to reduce visual impact. The mono-oak is designed to blend in with the surrounding vegetation as illustrated in the photo simulations, site plan, and elevations (Staff Report Exhibit I, G-3, and G-4).

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 VV-OS district which identifies no specific setbacks. Section 130.25.030 identifies a 50-foot setback for the Open Space zone, and in the absence of a specific plan setback this setback would be recommended. The project demonstrates a minimum of 87 feet to any setback line and complies with the 50-foot setback for all sides and is therefore consistent with the setback standards of the Open Space 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. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color.*

Rationale: Maintenance personnel would visit the site approximately once 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 equipment building, 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).*

Rationale: A submitted RF analysis report (dated April 4, 2016) 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) (Attachment 7 of Staff Report Exhibit K).

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

Rationale: The mono-oak would be constructed with the ability to accommodate one additional carrier; however, no specific location or quantities of antennae have been identified. Any separate future co-location would require a revision to this conditional use permit, subject to review by the County.

- G. *Section 130.40.130.G 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.*

Rationale: 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.*

Rationale: The proposed project is not located on land within 1,000 feet of a school, nor is it located on residentially zoned lands. The project complies with the notification requirements.

5.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the conditional 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.

Rationale: At 2.5 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. 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. 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 Conditional Use Permit.

Rationale: As discussed in Section 4.2 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.