

FINDINGS

Conditional Use Permit CUP24-0002/Diamond Springs Verizon Monopine 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 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 California Environmental Quality Act (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 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 Commercial (C) land use designation provides a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The project proposes to allow the construction and operation of a new wireless telecommunications facility. The land use designation of the subject parcel allows for the development of telecommunications facilities. The proposed monopine facility will not intensify uses on the parcel to a significant degree and will not result in negative impacts to the general health, safety, or welfare of nearby residents. 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 Conditional Use Permit (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 136-foot-tall monopine tower will be located on the northeastern portion of the subject parcel. The nearest residentially developed parcel to the proposed project is approximately 49 feet and inches away. The nearest residential structure is approximately 356 feet away. The proposed monopine is setback from the adjacent property boundaries by a distance in excess of the setback requirements for Commercial, General (CG) zoned parcels. This project was reviewed by the Diamond Springs and El Dorado Community Advisory Committee on August 5, 2024, and the Committee voted in support of the project as presented. The proposed monopine has been designed and located in a manner that avoids incompatibility with adjoining land uses 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 El Dorado County Department of Transportation (DOT), Pacific Gas and Electric (PG&E), Diamond Springs/El Dorado Fire Protection District, and CAL FIRE for review. 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 fully developed. The site is currently served by Diamond Springs/El Dorado Fire Protection District for fire protection and El Dorado Irrigation District (EID) for water service. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. 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 DOT, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE for review. No issues or concerns were raised regarding the adequacy of site access. The proposed project would not result in changes to the existing access road for the telecommunications facility site. 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 130.23.

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

Rationale: Table 130.22.020 specifies that establishing and operating communication facilities in a CG zone shall either be allowed through issuance of an Administrative Permit (ADM) or CUP, subject to Section 130.40.130. This project proposes a new facility within 500 feet of a residential zone

and is thus subject to the Zoning Ordinance standards per Section 130.40.130 (B.6.b). The proposed communication facility shall be subject to Planning Commission approval of a CUP. 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. 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 monopine telecommunications facility. The project applicant analyzed several alternative locations; however, due to coverage objectives, terrain related obstructions, and lack of interest on behalf of the property owner, alternative locations were not selected. The proposed facility does provide for an additional carrier to co-locate equipment on the proposed tower. 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) in Article 5 (Planning Permit Processing) of this Title.

Rationale: The proposed communication facility is located within a CG zone; however, it borders residentially zoned parcels on all sides. 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 CUP 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: Photosimulations of the facility are provided in Exhibit G of this Staff Report. These simulations demonstrate how the facility would use faux pine tree branches to blend with the existing tree canopy. All antennas will be painted or wrapped in 3M film, colored to match the new monopine. All antenna mounts and exposed cables will be painted to match the new monopine and be fully concealed within the proposed monopine branch radius. A new six-foot-tall chain link fence with privacy slats will be installed to conceal ground mounted equipment. 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 proposed tower will be a stealth monopine and painted to include earth toned slats to blend with the prevalent architecture, natural features, or vegetation of the site.

Rationale: The proposed wireless telecommunications facility will be located towards the rear of the parcel, in a flat, dirt area currently utilized for vehicle parking and storage. No tree canopy exists within the proposed 30-foot by 30-foot lease area. The area surrounding the proposed site is existing woodland, dominated by mature oak species including Interior Live Oak, Blue Oak, and Valley Oak. No trees along the access road and generally throughout the area have been identified to be removed. The proposed wireless telecommunications facility will be designed as a monopine, disguised to blend in with the surrounding tree canopy. The location and use of fencing will help conceal the ground mounted equipment from view. The siting of the proposed monopine has been determined to be the least intrusive placement for the project and will not have a significant effect on surrounding uses or viewsheds. Therefore, as proposed and conditioned, the project is consistent with this 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 site is located within the CG zone, which identifies a 10-foot front setback. When abutting residentially zoned parcels (R1, R1A, R2A, R3A, and RE) side and rear setbacks of 30 feet are required. The project will be located in excess of these minimum standards for the CG 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. 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 to occur approximately once a month. Additional immediate visits will occur if the site equipment is not functioning. 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 photosimulations (Exhibit G).

- 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 Communications Commission (FCC) Regulations under 47 Code of Federal Regulations (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-location by another wireless carrier

- 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 or on a residentially zoned parcel. The project will comply with the appropriate hearing notification requirements.

4.0 CUP 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 ground-support equipment and tower are sited on a parcel which is zoned and developed for commercial use and for which a telecommunication facility is a use allowed by CUP. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring parcels. Based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed wireless facility that exceed the FCC's occupational or general public exposure limits at this site (Exhibit H). At the nearest walking/working surfaces to the proposed Verizon antennas, the maximum power density generated by the equipment is approximately 6.86 percent of the FCC's general public limit (1.37 percent of the FCC's occupational limit) 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.

4.3 The proposed use is specifically permitted by CUP.

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.A through H, the communication facility is a specifically permitted use with a CUP.