

FINDINGS

Conditional Use Permit CUP23-0013/Majestic Trail Monopine Planning Commission/July 11, 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 staff has considered the Mitigated Negative Declaration (MND). The MND reflects the independent judgement of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this project proposal.
- 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 Rural Residential (RR) land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state.

Rationale: The project proposes to allow the construction and ongoing operation of a new 120-foot-tall monopine facility within a 900-square-foot lease area. The monopine would include nine (9) new antennas, six (6) new radios, two (2) new dishes, four (4) surge suppressors, four (4) hybrid cables, two (2) microwave (MW) cables, and one (1) Geographic Positioning System (GPS) antenna. Within the lease area there would be two (2) equipment cabinets, space for one (1) future cabinet, and one (1) 30-kilowatt diesel generator consisting of a 132-gallon fuel tank. Communications facilities are an allowed use in zones consistent with the RR General Plan land use designation, with approval of a Conditional Use Permit. Therefore, the proposal is consistent with the General Plan RR 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 new monopine facility will be located within the proposed 900-square-foot lease area which would consist of an undeveloped portion of a residentially developed parcel. The proposed project site is located within an area zoned and developed consistent with the RR land use designation. This proposal would result in an increase in footprint impacts; however, this footprint increase would not result in impacts outside of the lease area. The proposed facility is located approximately 225 feet southeast of the existing single-family residence and 76.6 feet west of the eastern lot line. The facility has been located in an area with primarily rural and residential uses and is therefore consistent with adjoining 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 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 reviewed by the El Dorado County Department of Transportation (DOT) and Pacific Gas and Electric (PG&E) for adequate public services capacity. No issues or concerns were raised by either entity. The Diamond Springs – El Dorado Fire Department (Fire Authority) declined to comment on this project. A cell tower expansion is not known as a use which would result in a substantial increase in fire severity, nor significant impacts to public services and utilities. Therefore, this project is consistent with this policy.

2.6 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 would be located on a parcel which includes a single-family residence. A cell tower addition does not require the use of water resources. Fire protection is already established for this site and would not be impacted as a result of this proposed addition. Therefore, the proposed addition is consistent with this policy.

2.7 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 proposed project would not result in any hindrances to site access. The project includes a monopine facility and would maintain current site access. Therefore, the project is consistent with this policy.

2.8 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 it should be found that oak trees would need to be removed, an oak resource technical report and applicable oak mitigation in-lieu fee would be required. These documents would be necessary as part of a building permit application, if there should be any identified oak resource impacts.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.21.

The proposed project site is located with the Rural Lands – Ten Acres (RL-10) zoning designation.

Rationale: Table 130.21.020 specifies that establishing and operating communication facilities in a RL zone shall either be allowed with approval of an Administrative or Conditional Use Permit. This project proposes a new telecommunications facility and is therefore subject to the zoning ordinance standards per Section 130.40.130 (B.6.b). The project site is located on a parcel developed with a single-family residence and within 500 feet of other residentially developed properties. Therefore, the proposed facility is subject to Planning Commission review. This application fulfills the requirements of Title 130.21.

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 a new monopine telecommunication facility. The project applicant reviewed six (6) other sites that had potential to provide coverage in this area's service gap. Following are the locations that the Applicant reported as attempted with the rationale for why each was not considered further:

- 20058 Sandridge Crest Court was considered but could not gain landlord interest.

- 1501 Kinsley Lane, 1530 Kinsley Lane, and 1541 Kinsley Lane were each rejected by the consulting Radio Frequency (RF) engineer due to terrain shadowing.
- 660 Sand Ridge Road was rejected by the consulting RF engineer due to low elevation.
- 3985 Vintage Trail was rejected by the consulting RF engineer due to inferior coverage to the proposed site.

There are no potential co-location options available within the identified service area. The proposed facility is needed to provide coverage in a service gap that exists in the area surrounding Sand Ridge Road, east of State Route 49. There would be less than significant impacts as a result of the new 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)(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:

- 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 monopine is located within an RL-10 zone on a parcel developed with a single-family residence and within 500 feet of other residentially developed parcels. Therefore, the project must be heard by the Planning Commission. 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: Photosimulations of the facility are provided in Exhibit G. These simulations demonstrate how the monopine facility would result in minor aesthetic changes to the woodland forest areas existing across the proposed project parcel. 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 single-family residence and accessory residential uses. There is no existing telecommunication facilities on the proposed project parcel. The proposed monopine facility includes required screening of antennas via the use of antenna socks as well as brown tone concealment fencing to disguise ground equipment. This proposal has been sited on a site which will result in less than significant impacts to adjacent residential uses. 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 RL-10 zoned parcel. The RL-10 zone requires 30-foot setbacks from all lot lines. The proposed lease area would sit 76.6 feet west of the eastern lot line, and further from each other lot line. The project as proposed is consistent with required setback standards. 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 site plan elevations and photosimulations (Exhibits F and 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 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 proposes a new telecommunications facility site as there are no existing telecommunications facilities within the proposed service shed area surrounding Sand Ridge Road, east of State Highway 49. The project lease area as proposed would allow for at least one (1) additional telecommunications carrier to co-locate without the need to increase the lease area. 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. The proposed project would be located on a residentially developed parcel. 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 adjacent uses as the monopine facility would make use of stealth branches which enables the facility to blend within the woodland existing across the proposed project parcel and surrounding the proposed lease area location. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring parcels. 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 (1%) or less of the public safety standard established by the Federal Communications Commission (FCC) at the project site, the risk of RF emissions to the surrounding public is remote.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

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 Conditional Use Permit.