

## **FINDINGS**

### **Special Use Permit S15-0014/T-Mobile Keetak Street Planning Commission/February 9, 2017**

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 judgment of the County and has been completed in compliance with 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 Lake Tahoe Basin. The Tahoe Regional Plan is the governing document for the Tahoe Basin. The Plan includes Plan Area Statements (PAS) that further govern specific areas of the Basin. The project site is located within PAS 125, Meyers Community Plan, which has a land use classification of light industrial/public services. A transmission and receiving facility is a permitted use in this PAS under the provisions for a special use. As discussed in Section 3.0 below, the project is consistent with the Meyers Specific Plan and is therefore consistent with this General Plan policy.

## **2.2 The project is consistent with General Plan Policy 2.10.1.1**

According to Policy 2.10.1.1, the County shall apply the standards of the Regional Plan for the Tahoe Basin and the Code of Ordinances and other land use regulation adopted by Tahoe Regional Planning Agency (TRPA) in acting on application for proposed land uses in the Tahoe Basin.

Rationale: The project is located within the Lake Tahoe Basin. The Tahoe Regional Plan is the governing document for the Tahoe Basin. The Plan includes Plan Area Statements (PAS) that further govern specific areas of the Basin. The project site is located within PAS 125, Meyers Community Plan, which has a land use classification of light industrial/public services. A transmission and receiving facility is a permitted use in this PAS under the provisions for a special use. The applicant is responsible for satisfying the TRPA's special use permit requirements. A Land Capability Verification was obtained from the TRPA on October 16, 2015, that showed the parcel has a Class 5 allowable coverage of 25 percent or 12,451 square feet. There is coverage available for the proposed facility and additional carriers.

## **3.0 MEYERS COMMUNITY PLAN FINDINGS**

### **3.1 The project is consistent with the Meyers Community Plan.**

Rationale: This project is located in the Meyers Community Plan Area MCP-4 Industrial Tract Use District. The project is consistent with the MCP-4 development standards including setbacks. The project is also consistent with the Meyers Community Plan Design Review Guidelines, identified within Appendix A of the Meyers Community Plan, because the project proposes vegetative screening required for the Industrial Tract Land Use District, architectural features, building materials, and building colors consistent with those outlined in the plan.

The project is consistent with the requirements of the Meyers Community 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 Meyers Community Plan and the MCP-4 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 two additional carriers 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 H 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 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 shelter will be painted to match the natural color scheme and the fire station buildings on the adjacent parcel to the north (Staff Report Exhibit G). The air conditioning units will be screened from view by chain link fencing with green privacy slats. The tower pole will be painted non-reflective natural colors. The monopine tower would be designed to resemble a pine tree with the tower pole painted natural brown to match the bark color of a pine tree, antennas located in faux branches resembling pine tree limbs, and antennas and mounting equipment painted to match the branch

color with pine needle socks installed around them to reduce visual impact. The monopine is designed to blend in with the surrounding vegetation as illustrated in the site plan, elevations, and photo simulations (Staff Report Exhibit F and H).

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 MCP-4 zone, which identifies 20-foot front, zero-foot sides, 10-foot rear, and 25-foot adjacent to residential. The project demonstrates compliance with the minimum setback to property lines and adjacent residential uses and is therefore consistent with the setback standards of the MCP-4 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 or twice 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 (Staff Report Exhibits F and H).

- 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 (October 29, 2015) 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 J).

- 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 monopine would be constructed with the ability to accommodate two additional carriers; however, no specific location or quantities of antennae have been identified. Any separate future collocation would require a revision to this conditional use permit and/or building 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 approximately 0.173 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, the Meyers Community Plan 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 Sections 3.1 and 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 and within the Meyers Community Plan with a special use permit.. The applicant has submitted an application for a conditional use permit to be reviewed by and subject to the approval of the Planning Commission.