

## **FINDINGS**

### **Conditional Use Permit CUP18-0007/AT&T Tower, Gold Hill/Coloma Planning Commission/May 23, 2019**

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 and associated Mitigation Monitoring and Reporting Program (MMRP) 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 Planning and Building Department 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.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Agricultural Lands (AL) land use designation establishes areas suitable for agricultural and supporting residential uses in the County's Rural Regions.

Rationale: The project has an AL General Plan Land Use Designation. The project site is surrounded by agricultural and residential uses. Although the project will result in a commercial use, it has been designed to visually blend in with existing landscape, and will require vehicle trips only for the construction of the facility and for monthly facility maintenance. The project will be compatible with surrounding uses and will provide wireless high speed internet and enhanced wireless network coverage, which the area currently lacks.

##### **2.2 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 utility to be impacted by that development.

Rationale: The project was reviewed by the El Dorado County Department of Transportation for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The operation of the facilities will require no water, sewer, or solid waste service as they are unmanned facilities. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the stealth mono-broadleaf tower and ground equipment shelters would not generate solid waste.

**2.3 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: The proposed project is located within a very high fire hazard area. Although the El Dorado County Fire Protection District (District) currently serves the project parcel, the parcel is not located within District boundaries. As the project will result in increased needs for fire protection services to the site, an Out of Agency Service Agreement between AT&T and the District will be required as a condition of approval to ensure adequate fire protection services will be provided. In addition, the property owner will be required to obtain approval of an annexation of the project parcel into the District from El Dorado Local Agency Formation Commission (El Dorado LAFCO) within five years of project approval.

The El Dorado County Fire Protection District was given the opportunity to comment and had no additional conditions of approval to apply to the project. The facilities will not require the use of potable water, as they are unmanned facilities and no plumbing is proposed for the facility.

**2.4 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: The El Dorado County Fire Protection District was given the opportunity to comment and had no additional conditions of approval or concerns regarding the project. Although the El Dorado County Fire Protection District (District) currently provides emergency service to the project parcel, the parcel is not located within District boundaries. As the project will result in increased needs for fire protection services to the site, an Out of Agency Service Agreement between AT&T and the District will be required as a condition of approval to ensure adequate fire protection services will continue to be

provided. In addition, the property owner will be required to obtain approval of an annexation of the project parcel into the District from the El Dorado Local Agency Formation Commission (El Dorado LAFCO) within five years of project approval.

**2.5 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: In compliance with Policy 6.2.3.2, the project will utilize existing gravel driveways and roads accessed off public roads. The El Dorado County Transportation Department and the El Dorado County Fire Protection District reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plans were reviewed for emergency ingress and egress capabilities and building plans will be additionally reviewed by El Dorado County and the El Dorado County Fire Protection District for compliance with County and fire codes during the plan check process.

**2.6 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 be mitigated in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees will be removed or impacted as part of the project.

**2.7 The project is consistent with General Plan Policy 8.1.3.5.**

Prior to approval of any discretionary permit, General Plan Policy 8.1.3.5 requires a recommendation from the Agricultural Commission as to whether the discretionary permit will diminish or impair the existing or potential agricultural use of the property.

Rationale: The project was reviewed by the Agricultural Commission on April 10, 2019 and the Agricultural Commission found the project, as conditioned, would not impair the existing or potential agricultural use of the property.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.40.130(A).**

Section 130.40.130.A minimizes the number of communication facilities by encouraging the joint use of towers and service providers are encouraged to employ all reasonable

measures to site their antenna equipment on existing structures, to co-locate where feasible, and development new sites that are multi-carrier.

Rationale: The project applicant provided an alternative sites analysis (Exhibit J) with a search radius of approximately one mile. This document highlights the challenges and constraints of locating appropriate alternative sites in the vicinity. Analysis findings are summarized in Table 3 below. The selected site was identified as the most optimum in providing additional services and capacity to the area. It will also have the capacity to serve as a co-location site for additional future carriers. A total of five sites were considered, including the proposed site. One alternative site included a possible co-location, but was rejected due to significant aesthetic issues due to proximity of existing residential structures. In addition, that co-location would require over 50 feet of additional tower height to meet coverage requirements. Two other alternative sites were considered but not chosen due to inability to obtain site access agreements from willing property owners. A fourth alternative site was considered but not chosen due to potential loss of agricultural land and local topography (local basin/valley) which would require excessive tower height in order to reach AT&T coverage objectives. No potential co-locations exist within the project vicinity (Exhibit J).

	<b>Selected Site</b>	<b>1242 Oro Loma Rd. (Co-Location)</b>	<b>Toney Site</b>	<b>Glenn Site</b>	<b>Girard Site</b>
<b>Coverage Issues</b>	No Issues	X	X	X	X
<b>Lack of Site Access</b>	No Issues		X	X	
<b>Aesthetic Concerns</b>	No Issues	X	X	X	X
<b>Potential Loss of Agricultural Land</b>	No Issues				X

<sup>1</sup>An “X” indicates significant issues or concerns in one or more area(s).

### 3.2 **The project is consistent with Section 130.40.130(B)6.**

Section 130.40.160.B6 requires that proposed towers or monopoles in zones other than commercial, industrial, and research and development zones, be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: This project is proposed within an agricultural zone; therefore is subject to a Conditional Use Permit subject to review by the Planning Commission.

3.3 **The project is consistent with Section 130.40.130(C-H).**

Section 130.40.130(C-H) of the Zoning Ordinance requires that in 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 G 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 site is located in a previously disturbed area. The surrounding area consists of rolling hills with low density residential and agricultural uses interspersed with oak canopy and pine trees. The project has been designed such that the stealth mono-broadleaf would blend in with adjacent trees. The stealth mono-broadleaf “trunk” will be painted a flat brown or similar non-glare earth tone color and the branches and foliage will be painted a flat dark green color.

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 Agricultural Grazing, 40-Acre (AG-40) zone, which identifies 30-foot front, rear, and side setbacks for non-agricultural structures. The lease area is approximately 1,000 feet from the front (west P.L.), 700 feet from the left side (north P.L.), 1,200 feet from the right side (south

P.L.), and 123 feet from the rear (east P.L.); thus complying with the setback standards of the AG-40 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: 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 (Exhibits E 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: A submitted RF analysis report 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 proposed stealth mono-broadleaf tower is intended to be and designed to accommodate future co-location of other carriers. Any separate future collocation would require a revision to this conditional use permit and/or building permit, subject to review by the County.

- G. *Unused Facilities. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.*

Rationale: The project has been conditioned to comply with this requirement (Condition of Approval #6).

- H. *Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that*

*may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:*

1. *School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.*

Rationale: Not applicable. The proposed wireless facility is not located within 1,000 feet of a school.

2. *Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.*

Rationale: Not applicable. The facility is proposed to be located on agriculturally-zoned land.

#### **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 in 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 significantly conflict with the adjacent uses as the ground-support equipment and towers are buffered from view by existing trees. As conditioned, the project will not result in significant environmental impacts to neighboring 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. In the Radio Frequency Emissions Compliance Report for AT&T Mobility dated June 13, 2018 submitted for this project, the maximum predicted power density level of exposure from all operations of this telecommunication facility, using worst-case predictive modeling, will not exceed FCC General Population limits. Therefore, the proposed operation will not expose members of the general public to hazardous levels of RF energy and the risk of exposure to RF emissions 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.C through H (development standards/conditions), the communication facility is a specifically permitted use with an approved Conditional Use Permit.