

## **Site 9 Findings**

### **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 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 Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 Project Site 9 is consistent with General Plan Policy 2.2.1.2.**

According to Policy 2.2.1.2, lands designated Rural Residential establishes areas for residential and agricultural development. These lands typically have limited infrastructure and public services and will remain for the most part in their natural state. This designation is considered appropriate only in the Rural Regions.

Rationale: The project has a split General Plan land use designation of RR and MDR, and is located within a Rural Region. The proposed tower and existing single family residence is entirely within the RR land use designation.

#### **2.2 Project Site 9 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 Project Site 9 parcel is surrounded by Medium Density Residential (MDR) and Rural Residential (RR) parcels (Site 9 Exhibit C). Although the Project will result in a commercial use at Site 9, it has been designed to be visually screened by the surrounding topography and trees, will require vehicle trips only for construction and annual maintenance, and involves the use of an existing access driveway, roads and a lease area of 305.25 square feet on a 3.7-acre parcel. The Project at Site 9 will be compatible with surrounding uses. In addition, the Project at Site 9 will provide wireless broadband coverage and capacity, which the area currently lacks.

**2.3 Project Site 9 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: Project Site 9 was reviewed by the County Environmental Management Department and Transportation Department for adequate public services capacity. At Site 9, the Project will connect to existing electrical facilities and public services currently within the parcel. The operation of the facility will require no water, sewer, or solid waste service as it is an unmanned facility. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the tower and ground equipment shelter would not generate solid waste.

**2.4 Project Site 9 is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.1.2.1 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: Project Site 9 is within a very high fire hazard area. The Garden Valley Fire Protection District and Cal Fire were given the opportunity to comment and had no additional conditions of approval to apply to Project Site 9. However, standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. The facility will not require the use of potable water or wastewater, as it is an unmanned facility. Therefore, Project Site 9 is in compliance with this policy.

**2.5 Project Site 9 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, Project Site 9 will utilize an existing gravel driveway and dirt road off a public road. The Transportation Department, Garden Valley Fire Protection District, and Cal Fire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the Garden Valley Fire Protection District for compliance with county and fire codes. Therefore, Project Site 9 is in compliance with the General Plan Policy.

**2.6 Project Site 9 is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

Rationale: Project Site 9 does not include tree removal or trimming. Because the Site parcel is over an acre and has over 1% total canopy cover, El Dorado General Plan Policy 7.4.4.4 stipulates that 90% of the existing canopy be retained. None of the existing canopy will be removed. Therefore, Project Site 9 is in compliance with the General Plan Policy.

**3.0 ZONING FINDINGS**

**3.1 Project Site 9 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 new tower site was selected based on review of topography, slope, relation to proposed collocated antennas, and signal strength. Sites were chosen based upon geographic criteria and property owner agreement. No alternative sites were identified as part of the project proposal.

Based on review of recent aerial imagery no existing communication towers occur within 0.5 mile of the site. The identified site is essential to creating network linkages required to reach last-mile customers. The proposed tower is of minimal size by design, and will be unable to accommodate other carriers.

**3.2 Project Site 9 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: Project Site 9 is not in a commercial, industrial, and research or development zone district (Site 9 Exhibit D). The applicant has submitted an application for Project Site 9. The County anticipates processing a Conditional Use Permit for the nine Project sites to be reviewed by and subject to the approval of the Planning Commission.

3.3 **Project Site 9 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 Project Site 9's facility is provided in Site 9 Exhibit J. These photos demonstrate how the facilities will be screened by trees and hills, thereby minimizing its visual impacts (Site 9 Exhibit J).

*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: Project Site 9 is located in a previously disturbed area. The surrounding area is dominated by pine and oak canopy. The project has been designed such that trees will screen the tower. The tower has a manufacturer-applied non-reflective coating to prevent glare.

*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 tower site is located within the RE-5 zone which requires a 30 foot front, side and rear setback. The project demonstrates compliance with the minimum setback within the RE-5 zone as the structure would be located a minimum of 68 feet from all property lines (Site 9 Exhibit F).

*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 year, 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: 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) (Site 9 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: Project Site 9 is designed to use the minimum tower size that will accommodate the facility equipment. Therefore, the tower will not be able to accommodate additional carriers.

*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: Project Site 9 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 Site 9 is not located on land within 1,000 feet of a school, nor is it located on residentially zoned lands governed by CC&Rs. 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.**

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.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: At 0.13 percent of the public safety standard established by the FCC for microwave frequencies, and 0.04 percent of the recommended limit at UHF frequencies, the risk of RF emissions to the surrounding public is remote (Site 9 Exhibit K). The use will not significantly conflict with surrounding uses. As discussed in Section 2.0 and 3.0 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.

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

Rationale: As discussed in Section 3.2 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.