

FINDINGS

Conditional Use Permit CUP18-0014/AT&T CAF II Project (Lotus) Planning Commission/June 13, 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 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 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.
- 1.4 In accordance with California Fish and Wildlife Code Section 711.4, the project is subject to the current fee after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County.
- 1.5 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 Rural Residential (RR) land use designation establishes areas suitable for residential and agricultural development.

Rationale: The project has an RR General Plan Land Use Designation. The project has rural residential development to the east and south, open space to the west and

agricultural grazing to the north. 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.

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 monopine 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 that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is located within moderate fire hazard area. The Rescue Fire Protection District was given the opportunity to comment. Comments were incorporated as conditions of approval. 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 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 Rescue 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 Rescue Fire Protection

District for compliance with County and fire codes during the plan check process.

2.5 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 in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of oak woodland. A technical study was prepared for the project and identified that 0.02 acres of oak woodland canopy would be removed by the project. The project would be required to mitigate for the removal of oak woodland in the effect of a \$165.70 in-lieu mitigation fee.

2.6 The project is consistent with General Plan Policy 7.5.1.3.

General Plan Policy 7.5.1.3 requires that cultural resource studies shall be conducted prior to approval of discretionary projects. The avoidance and protection of sites shall be encouraged.

Rationale: The project provided an archaeological report for which a field study was conducted by Archeological Resources Technology (ART) on December 7, 2018. No cultural, pre-historic or historic resources were observed.

2.7 The project is consistent with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission shall evaluate all discretionary development applications located on lands adjacent to properties zoned for or designated agriculture and shall make recommendation to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: The proposed project consisting of the construction and operation of a new 120' monopine communication tower is located immediately south to an Agricultural Grazing (AG) zoned parcel and was considered by the Agricultural Commission on April 10, 2019. The Agricultural Commission

recommended approval of the project and found that the project would not be detrimental to agricultural production, would not conflict with agricultural production and would not reduce or destroy agricultural buffering.

3.0 ZONING FINDINGS

3.1 The project is consistent with Chapter 130.39: Oak Resources Conservation.

Rationale: The proposed project includes the removal of oak woodland. The Oak Resources Management Plan (ORMP) establishes the process for removing individual oak trees and oak tree woodlands for discretionary projects. A technical study was prepared for the project and identified the removal of 0.02 acres of oak woodland canopy. The project would be required to mitigate for the removal of oak woodland in the effect of a \$165.70 in-lieu mitigation fee.

3.2 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 of new sites that are multi-carrier.

Rationale: The project applicant provided an alternative site analysis (Exhibit J) with a search radius of approximately one-quarter mile. This current 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 fourteen sites were considered, including the proposed site. One alternative site was considered but ultimately not chosen due to reduced coverage and greater cost to connect utilities. The other twelve sites were not chosen due to restrictions from Covenants, Codes and Restrictions (CC&Rs) or no response to interest letter. Out of the sites the received positive responses the proposed site would provide service to the greatest number of living units. No potential co-locations exist within the project vicinity (Exhibit J).

3.3 The project is consistent with Section 130.40.130(B)6.

Section 130.40.160.(B)6 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 a rural residential zone; therefore is subject to review by the Planning Commission, the decision-making body.

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. 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: The project applicant submitted photo-simulations of the proposed facility (Exhibit H). 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 low density residential development and open space. The project has been designed such that the monopine would blend in with adjacent trees. The monopine “trunk” will be painted a Kelly Moore Log Cabin Brown or similar and the branches will have a pine green color. 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 site is located within the Rural Lands 40-Acres (RL-40) zone, which identifies 30-foot front, rear, and side setbacks. The closest property line to the project lease site is located approximately 300 feet to the east; thus complying with the setback standards of the RL-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: The project has been conditioned (Condition of Approval #1) 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 F and H).

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 J).

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 monopine tower is intended to be 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 proposed wireless facility and adjacent properties are not within a Homeowners Association.

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 is anticipated to result in insignificant 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 November 28, 2018 submitted for this project, the maximum predicted power density level of exposure from all operations of this telecommunication facility is less than 1% of the 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.

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.