

FINDINGS

Conditional Use Permit S17/0018/Cal.Net MUP (Auburn Lake Trails) Planning Commission/December 14, 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 The proposed communication facility is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. Class 1 exemptions consist “of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” As antennas are being attached to an existing structure, the installation of the communication facility is consistent with this exemption classification under CEQA.
- 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 Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 Policy 2.2.1.2 establishes the appropriate range of land use types and densities within the County:

The Medium Density Residential (MDR) designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities.

Rational: The project has a MDR-PL General Plan Land Use Designation. The project is surrounded by rural residential development. Although the project will result in a commercial use, it has been designed to visually blend with the existing structures, will require vehicle trips only for construction and monthly facility maintenance. The project will be compatible with surrounding uses and will provide wireless broadband coverage and capacity, which the area currently lacks.

- 2.2 Policy 2.2.2.3 establishes the Platted Lands (-PL) overlay designation to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The existence of

the –PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible uses.

Rational: The project site is located within the –PL overlay. The establishment of a new communication facility is allowed within the MDR General Plan Designation and applicable zoning designations with the approval of a Conditional Use Permit. The PL overlay would not be used to expand or establish a new incompatible use.

2.3 Policy 6.2.3.2 requires new development, to 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.

Rational: All sites currently have access through either existing public county maintained roads, private roads or private driveways.

2.4 Policy 7.4.2.9 establish the IBC overlay which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.

Discussion: The subject parcel has an existing Georgetown Divide Public Utility District (GPUD) water tower and is surrounded on all sides by medium density residential development. The entire parcel is located within the IBC however; the colocation of a communication facility would not directly impede the intentions of this policy in a significant manner. Significant disturbances not typical of the existing surrounding developed parcels would not be expected.

3.0 ZONING FINDINGS

3.1 Section 130.40.130(A) minimizes 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: No alternative sites were considered for this project. The applicant has identified the proposed site as the most optimum in providing additional services and capacity to the area.

3.2 **The project is consistent with Section 130.40.130(B)(4)(a-d).**

In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be allowed subject to zoning administrator approval of a minor use permit in compliance with Section 130.52.020 (Conditional and

Minor Use Permits). Those facilities not meeting the requirements below are subject to a Conditional Use Permit:

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.

Rationale: The project will install antennas on an existing 15 foot pole attached to a 40 foot high water tower (cumulative height of 55 feet) within the R2A zoning designation. The proposed antenna will be located at a height of 50 feet. The R2A zone has a height restriction of 45 feet. As the proposed colocation will exceed the maximum height restriction for the R2A zone a conditional use permit is being proposed.

- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure.

Rationale: The antennas and mounting brackets have been designed to be constructed and mounted to blend with the current design and color of the existing structures.

- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view.

Rationale: The new equipment cabinet will be screened from view by existing vegetation and trees.

- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

Rationale: Neither of the proposed colocations is located within a public utility easement.

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 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 sites are located in previously disturbed areas. The surrounding areas are dominated by medium density residential development and rolling hills interspersed with pine and oak canopy. The project has been designed such that trees and topography will screen the towers. 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 R2A zone, which identifies 30 foot front and rear setback and a 20 foot side setback. 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 R2A 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 proposes bi-annual inspections for routine maintenance and to replace any cables or batteries if necessary. Additional urgent visits will occur if the site equipment is not functioning. 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 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 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. 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 proposed site is a colocation projects. Due to structural considerations both project sites would have limited colocation capabilities. 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.

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. At one percent or less of the public safety standard established by the 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.C through H (development standards/conditions), the communication facility is a specifically permitted use with an approved Conditional Use Permit.