

# FINDINGS

## **Special Use Permit S15-0004/Verizon Wireless Communication Facility Arrowbee Monopine Planning Commission/February 25, 2016**

### **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 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 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 Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available.

The project parcel has an LDR General Plan land use designation and is located within a Rural Region. The site is currently developed with an existing single family residence. The project site is consistent with General Plan Policy 2.2.1.2.

#### **2.2 The project is consistent with General Plan Policies 2.2.2.8 and 7.4.29.**

According to Policy 2.2.2.8, the Important Biological Corridor (-IBC) overlay shall be set forth in Policy 7.4.2.9. Policy 7.4.2.9 states that the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.

The project parcel has an LDR General Plan land use designation and an -IBC overlay. The site is currently developed with an existing single family residence. No oak trees are to be removed and the site does not contain any wetland or riparian features. The project, as proposed and conditioned, is consistent with General Plan Policy 2.2.2.8.

The project site is proposed to be located within a proposed 46.5-foot by 22-foot lease area. Construction would require boring and/or trenching within the utilities lease area and utilities easement, extension of the driveway, and construction of the tower and steel equipment platform. No wetlands or riparian corridors exist in the project vicinity. No trees or significant vegetation will be removed as a result of the project. The site is potential habitat for Brandegees' clarkia which is not listed by the state or federal government, but is a CNPS 4 ranked species. Although this species was not observed during the site survey, the survey was conducted outside of the blooming season. Suitable habitat exists and therefore there is a potential to occur within the project area. A condition of approval has been added requiring a focused survey for Brandegees' clarkia between May and July. The size of the fenced lease area would not impede the movement of wildlife. The project is consistent with policy 7.4.2.9 of the General Plan.

**2.3 The project 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.

Rural residential and vacant agricultural lands surround the project parcel (Staff Report Exhibit E). Although the project will result in a commercial use, it has been designed and conditioned to visually blend with the surroundings (Staff Report Exhibits F-6, F-7, and H1-3, Conditions of Approval), will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and an 46.5-foot by 22-foot lease area on a 5.02-acre parcel. The project will be compatible with surrounding uses.

**2.4 The project is consistent with General Plan Policy 2.6.1.3.**

Policy 2.6.1.3 requires that "discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established".

The project is not visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report. Nor is it visible from any State Designated Scenic Highways. The project site is not located at a U.S. Highway 50 interchange nor is it located on a ridgeline. As such, Policies 2.6.1.4 and 2.6.1.5 do not apply.

**2.5 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 utilities to be impacted by that development.

The project was reviewed by County Transportation and Environmental Management Divisions, and the El Dorado Hills Fire Protection District (on behalf of the Rescue Fire Department) for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. Verizon Wireless proposes to utilize the current electrical and telecommunications infrastructure located approximately 100 feet south of the lease area. The facility will require no water or sewer as it is an unmanned facility. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the cell tower and ground equipment shelter would not generate solid waste.

**2.6 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

The proposed wireless facility, including the area for the proposed tower and lease area, would be located within a high fire hazard area. The El Dorado Hills Fire Protection District (on behalf of the Rescue Fire Department) and California Department of Forestry and Fire Protection (Cal Fire) were given the opportunity to comment and provided no conditions of approval requiring the need for additional supply for fire protection. 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, the project is in compliance with this policy.

**2.7 The project is consistent with General Plan Policy 6.2.3.2.**

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.

In compliance with Policy 6.2.3.2, emergency access to the project would utilize a proposed on-site gravel driveway extending past the existing driveway for the single family residence terminating at the proposed facility. The El Dorado Hills Fire Protection District (on behalf of the Rescue Fire Department) has recommended conditions that the project to include a turnaround at the facility. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado Hills Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

**2.8 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

The noise produced as a result of this project would comply with the standards in the General Plan. Noise will result from the operation of up to four outdoor electronic base transfer stations (BTS or cabinets) and a back-up generator. Originally, the project included a pre-fabricated equipment shelter with HVAC unit. The maximum noise level from the air conditioner is 65.0 dB when measured at a distance of 10 feet in front, and the maximum noise level for the generator is 63.0 dBA, measured at a distance of 23 feet, according to the sound level evaluation for this site and proposed equipment (Hammett and Edison, Consulting Engineers, August 30, 2015). The predicted noise levels of the combined operation of the air conditioner with the generator at the south (closest) property line is 40.6 dBA, meeting the County's daytime and evening rural noise limits. However, the project has been revised to include four outdoor equipment cabinets which do not require the HVAC units and create significantly less noise. The generator is only used during daytime hours for testing and maintenance and extended power outages. The expected noise levels would be well below the maximum and average County limits for rural areas for daytime, evening, and nighttime noise standards. A standard condition limiting the days and time of generator maintenance will further lessen this impact. The proposed project will not expose people to noise levels in excess of standards established in the General Plan.

**2.9 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the General Plan, 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.

The project site is proposed to be located within a proposed 46.5- by 22-foot lease area absent. Construction would require boring and/or trenching within the utilities lease area and utilities easement and construction of the tower and steel equipment platform. No trees or significant vegetation will be removed as a result of the project. The project is consistent with policy 7.4.4.4 of the General Plan.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The parcel is located within the Estate Residential Ten-Acre (RE-10) Zone District. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Development Standards) for building setbacks.

The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards for wireless telecommunication facilities within the RE-10 Zone District.

#### **3.2 The project is consistent with Section 130.40.130.A.1.**

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.

The new monopine tower will allow for placement of new Verizon equipment, and potential future co-location of additional carriers. No existing towers are located in the project area. The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility that justifies the need for this project site. The proposed cell tower will accommodate future co-locations consistent with this regulation. (Staff Report Exhibits F1-8).

#### **3.3 The project is consistent with Section 130.40.130.B.6.b.**

In all zone districts, other than industrial, commercial, and research and development zone districts, new towers or monopoles shall be subject to approval of a special use permit by the Planning Commission.

The applicant has submitted an application for a special use permit for the proposed cellular facility consistent with this regulation.

#### **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.*

Photo-simulations of the facility are provided in Exhibit H1-3 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.*

The project has been designed to blend in with the natural features and vegetation as directed by Section 130.40.130.D.1 of the Zoning Ordinance. The facilities outdoor equipment will be painted non-reflective natural colors. The monopine tower would be designed to resemble a pine tree with the tower pole painted flat brown to match the bark color of a pine tree, antennas located in man-made 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 camouflage the facility and blend in with the surrounding vegetation as illustrated in the photo simulations, site plan, and elevations (Staff Report Exhibits H1-3, F-6, and F-7). Additional conditions of approval have been added requiring more realistic branch patterns and additional landscaping as a visual buffer.

- 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.*

The RE-10 Zone requires a 30-foot front, side, and rear setback from property lines for all structures. Setbacks would be greater than 30 feet from all property lines. Therefore, the project is consistent with setback standards of the RE-10 Zone and Section 130.24.030 of the County Zoning Ordinance. (Staff Report Exhibit F-3).

- 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.*

Maintenance personnel would visit the site approximately one to two times 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 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).*

A submitted RF analysis report (Verizon Wireless, April 21, 2015) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits.

- H. Availability. Section 130.40.130.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

The monopine would be constructed with the ability to accommodate the proposed Verizon equipment and future potential collocation of additional carriers. However, the specific location or quantities of future antennae have been not identified. Any separate future co-location would require consistency to this special use permit, subject to review by the County.

- I. Section 130.40.130.I 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.*

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.*

The project parcel is not within 1,000 feet of a school or located on residentially zoned land governed by CC&Rs. Therefore, these notification requirements do not apply to this project.

As proposed and conditioned, the project is consistent with the criteria in Section 130.40.130.C-H of the Zoning Ordinance.

#### **4.0 SPECIAL USE PERMIT FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

As discussed above in Section 2.0 General Plan Findings, the special 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.**

At 2.2 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. The facility will be visible from certain vantage points. However, the tower antennas will be concealed by monopine branches and additional landscaping. 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. Additional conditions of approval have been added requiring more realistic branch patterns and additional landscaping as a visual buffer. 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 Special Use Permit.**

As discussed in Section 3.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.40.130.B.6.b subject to approval of a special use permit by the Planning Commission. The applicant has submitted an application for a special use permit to be reviewed by and subject to the approval of the Planning Commission.