

## **FINDINGS**

### **Conditional Use Permit CUP20-0006/Oak Ridge High School Verizon Wireless Cell Tower Planning Commission/March 11, 2021**

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 Conditional Use Permit CUP20-0006 for Oak Ridge High School Verizon Wireless Facility has been found to be Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines which states that projects which consist of the construction and location of limited numbers of new, small facilities or structures including accessory structures appurtenant to a primary structure.
- 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 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.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Public Facilities (PF) land use designation establishes areas that are only publicly-owned lands used for public facilities including schools.

Rationale: The project has a Public Facilities (Exhibit C) General Plan Land Use Designation. The project is located within the football field of the Oak Ridge High School and will provide the area with increased cellular access. Therefore, this project is consistent with the PF land use designation.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies 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.

Rationale: The new cell tower's proposed location on the Oak Ridge High School football field was analyzed in an Alternative Site Analysis conducted by Epic Wireless Group, LLC. This site was analyzed alongside five potential sites with a conclusion that the presently proposed light standard collocation located at the Oak Ridge High School football field would be the least intrusive site as there are already multiple carriers located on light standards on the field.

**2.4 The project is consistent with General Plan Policy TC-Xa.**

(1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestions during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project will not create any new units or parcels of land. Therefore, this policy does not apply.

(2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

(3) and (4) Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as

provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would not create new units or parcels of land. Therefore, this policy does not apply.

**2.5 The project is consistent with General Plan Policy TC-Xb.**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Study Mitigation (TIM) Fee Program, and monitoring traffic volumes.

**2.6 The project is consistent with General Plan Policy TC-Xc.**

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.7 The project is consistent with General Plan Policy TC-Xd.**

LOS for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak Hour traffic volumes.

Rationale: This project will not worsen LOS for any county-maintained road or state highway.

**2.8 The project is consistent with General Plan Policy TC-Xe.**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, and C of this policy are not met.

**2.9 The project is consistent with General Plan Policy TC-Xf.**

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasting traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not create any new parcels nor worsen traffic on the County road system. Therefore, this policy does not apply.

**2.10 The project is consistent with General Plan Policy TC-Xg.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and

construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

**2.11 The project is consistent with General Plan Policy TC-Xh.**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project is not proposing the subdivision of land; therefore this policy does not apply.

**2.12 The project is consistent with General Plan Policy TC-Xi.**

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

**2.13 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. No issues or concerns were raised regarding the adequacy of public services and utilities which will serve this project. Therefore, this project is consistent with this policy.

**2.14 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.

Rationale: The proposed project is located within the Oak Ridge High School football field, which has been verified to provide adequate quantity and quality of water for all uses, including fire protection. In addition, a fire extinguisher is proposed to be in easy access to the cell tower.

**2.15 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: The proposed project will not result in any hindrances to the movement of private vehicles as it is located within the Oak Ridge High School football field. The cell tower will utilize the emergency access provided for the football field in addition to the creation of non-exclusive easements to provide clear ingress/egress of both proposed lease areas. The El Dorado County Transportation Department and the El Dorado Hills Fire Department reviewed the application materials and did 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 Hills Fire Department for compliance with County and fire codes during the plan check process.

**2.16 The project is consistent with General Plan Policy 6.5.1.2.**

General Plan Policy 6.5.1.2 requires that when noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-1 or the performance standards of Table 6-2, an acoustical analysis shall be required.

Rationale: The proposed project includes a 132 gallon back-up generator to be used in instances of rolling power shut-offs. The noise generated by this generator will not be consistent. The only noise impacts associated with the back-up generator will be during rolling black-outs and during short intermittently scheduled operational tests.

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

General Plan Policy 6.5.1.7 requires 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.

Rationale: The proposed project will include a back-up generator which is not expected to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

**2.18 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 must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed as part of the proposed project. If oak trees were to be removed, an oak resource technical report and applicable oak mitigation in-lieu fees would be required.

**3.0 ZONING FINDINGS**

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

The parcel is zoned Single-unit Residential (R1). The project has been analyzed in accordance with Zoning Ordinance Section 130.24.020 (Residential Zone Use Matrix) for allowable uses and 130.24.030 (Residential Zone Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed project is consistent with the Single-unit Residential (R1) (Exhibit D) zoning designation as communication facilities are allowed within the R1 zone with the approval of a conditional use permit. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Residential Zone Development Standards) for height and building setbacks. Setbacks within the R1 zoning designation are 20 feet for the front setback, five feet for the sides and ten feet of the rear.

**3.2 The project is consistent with Chapter 130.34: Outdoor Lighting.**

Chapter 130.34 of the Zoning Ordinance establishes outdoor lighting requirements for developments with additional standards found in the Community Design Standards.

Rationale: The proposed project is consistent with the outdoor lighting standards. The light standards currently exist on the Oak Ridge High School Football Field. This project will increase the height of light standards to 80 feet. All currently existing football field lighting will be mounted onto the new light standards. The field lighting will remain aimed at the football field. The outdoor lighting as proposed will not change from the current lighting plan. Therefore, this proposal will remain consistent with outdoor lighting standards.

**3.3. The project is consistent with Section 130.40.130: Communication Facilities.**

Section 130.40.130 requires that new Communication Facilities within residential zones shall be subject to Planning Commission approval of a Conditional Use Permit.

Rationale: This project is a conditional use permit to allow for the installation of an 80 foot tall football field light standard to be used for the collocation of cell tower antennas.

**3.4 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 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 G) with a search radius of greater than one mile. This document highlights the challenges and constraints of locating appropriate alternative sites in the vicinity. Of those sites made available by landowners of the alternative sites investigated, the selected site was identified as the most optimum in providing additional services and capacity to the area. The selected site is a collocation with two other service providers. A total of five sites were considered, including the proposed site. One PG&E tower was identified within the search area on the edge of the Serrano Community at 5108 Breese Circle; however, the site did not meet the RF coverage objective. Existing El Dorado Irrigation District water tanks on the hills at the edge of the Serrano neighborhood just east of Oak Ridge High School required access to be gained through another parcel owned by the Serrano Association. The access negotiations ultimately fell through. The Serrano Golf Course was presented to Verizon, but did not meet the RF objective of covering Silva Valley Parkway. A property owner for one candidate site did not respond to Verizon's letter of interest.

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

Section 130.40.130(B)6 requires that proposed towers or monopoles not located within commercial, industrial, or research and development zones; or where located adjacent to a state highway or designated scenic corridor; or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.

Rationale: The proposed tower site is located on the Oak Ridge High School Football Field and within 500 feet of Single-Family Residential (R1) zoned properties. Therefore, this cell tower proposal is subject to a Conditional



Use Permit subject to review by the Planning Commission.

**3.6 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 JJa physical mock-up of the facility, balloon simulation, computer simulation or other means.*

Rationale: Photo-simulations of the facility are provided in Exhibit I of the Staff Report. These photos demonstrate how the facility will blend with the existing football stadium light standards.

*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 on the Oak Ridge High School football field in the El Dorado Hills community region. The surrounding area consists mainly of single-family residential development. The project has been designed such that the proposed stadium light standard to include cell tower usage will blend with the existing stadium light standard with cell tower antennas. Supporting ground equipment within the lease area will be concealed from view through the use of chain link fencing with green slats.

*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 Single-Family Residential (R1) zone, which identifies 20-foot setbacks for front yards; five-foot setbacks for side yards; and 15-feet for both secondary front and rear yard setbacks. The project lease area is located in the southeastern portion of the approximately 39-acre parcel, approximately 1,100 feet from the proposed access point at the northern property line; approximately 30-feet from the

southern property line; approximately 70-feet from the eastern property line; and approximately 1,200 feet from the western property line.

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 I and J).

- 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 cell tower site currently hosts two other cell service providers, Sprint and T-Mobile. 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 #5).

*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: The proposed wireless facility is located on the Oak Ridge High School Football Field. A notice was mailed to the El Dorado Union School District and no response was received.

- 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: The Oak Ridge High School property is not within a homeowners association. Therefore, this requirement is not applicable.

#### **4.0 CONDITIONAL USE PERMIT FINDINGS**

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

The proposed telecommunications facility 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 proposed use will not significantly conflict with the adjacent uses and the project site currently supports a monopole use. The proposed monopole is anticipated to result in insignificant environmental impacts to neighboring parcels. While the facility will include a back-up generator, the potential for radio frequency radiation, and will increase the height of football field lighting, 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. The back-up generator will create noise only when in use for emergencies. A Radio Frequency Electromagnetic Fields Exposure Report prepared by Christopher Stollar on February 5, 2019 states that radio frequency exposure levels are below the FCC's most stringent General Population MPE Limits. The increase in football field lighting will not

result in increased light glare impacts as these lights will remain aimed down towards the football field.

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

As discussed in Section 3.1 above, the proposed monopole use is specifically permitted in accordance with Zoning Ordinance Table 130.24.020 subject to approval of a conditional use permit.