



Distributed at hearing

PC 5/23/19  
#3  
2 pages

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TO: Planning Commission Agenda of: May 23, 2019  
FROM: Tom Purciel, Associate Planner *TRP* Item No.: 3  
DATE: May 22, 2019  
RE: CUP18-0007/AT&T Gold Hill-Coloma; Two Recommended New Findings,  
Recommended Additional Condition of Approval (Fire Defensible Space) and  
Clarification of Recommended Condition Regarding Generator Noise

Staff recommends the addition of two new Findings: 1) Consistency with General Plan Policy 8.1.4.1 and 2) Consistency with Zoning Ordinance Section 130.40.060(C)(2) (Agricultural Preserves – Compatible Uses and Structures).

General Plan Policy 8.1.4.1 requires the Planning Commission to make three enumerated findings verifying the proposed cell site will be compatible with existing agricultural operations based on a previous recommendation by the Agricultural Commission. Although the Agricultural Commission reviewed the project on April 10, 2019 and recommended the Planning Commission find this project consistent with General Plan Policy 8.1.4.1, a discussion of these required findings was inadvertently excluded from the project staff report.

The Agricultural Commission also reviewed the project for compatibility with the existing Williamson Act Contract (for grazing land) and determined the project would have no detrimental effect to the existing grazing operation. However, the Agricultural commission did not make a formal finding of consistency. Therefore, staff recommends the Planning Commission make an additional finding of consistency with Section 130.40.060(C)(2) (Agricultural Preserves – Compatible Uses and Structures) as shown below.

In addition, due to fire safety concerns expressed by members of the Commission, staff also recommends the Commission add an additional condition regarding project compliance with Public Resources Code Section 4291 (defensible space).

Further, this memo clarifies the proposed new condition to limit generator noise (Commission Memo dated May 14, 2019). The proposed condition would amend the Project Description (staff report page 3), changing the hours of routine generator operation, for maintenance purposes, from the original proposal of weekdays from 8:00 a.m. to 7:00 p.m. to weekdays from 9:00 a.m. to 5:00 p.m.

## **ADDITIONAL RECOMMENDED FINDINGS**

### **The project is consistent with General Plan Policy 8.1.4.1.**

Policy 8.1.4.1 requires the Agricultural Commission review all discretionary applications involving land zoned or designated for agriculture, or lands adjacent to such lands, and make the following three recommendations to the Planning Commission that the proposed use:

- A. 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 Agricultural Commission reviewed the proposed cell tower facility on April 10, 2019 and found that the placement of the proposed tower location would not have a detrimental impact on agriculture on the subject parcel and adjacent area. Therefore, the Agricultural Commission recommended the Planning Commission approve the project as the required findings for Policy 8.1.4.1 can be made.

### **The project is consistent with Section 130.40.060 (C)(2)**

Section 130.40.060(C)(2) restricts the use of property during the term of an agricultural preserve to agricultural and compatible uses. Structures in an active agricultural preserve may be erected and/or enlarged only if they are deemed compatible with the uses allowed in the zone.

Rationale: As discussed in Finding 3.2, Section 130.40.160(B)(6) allows proposed towers or monopoles in agricultural zones with Planning Commission approval of a Conditional Use Permit. Non-compatible uses permitted in the Zone District by CUP may also require a recommendation from the Agricultural Commission. On April 10, 2019, the Agricultural Commission reviewed the project and deemed it compatible with the existing Williamson Act Contract. Further, unless a local agency finds otherwise, Government Code Section 51238(a)(1) determines communication facilities to be generally compatible with agricultural preserves.

## **ADDITIONAL RECOMMENDED CONDITION OF APPROVAL**

- **El Dorado County Fire Protection District:** The following language shall be incorporated as a note on grading and building permit plans: "During all phases of construction and operation, the facility shall comply with applicable provisions of Public Resources Code (PRC) Section 4291 (defensible space)."