

FINDINGS

Special Use Permit S15-0008/Verizon Wireless Communication Facility (Mono-Pine) Planning Commission/October 22, 2015

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 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 Natural Resource (NR) designation identifies areas that contain economically viable natural resources to protect the economic viability of those resources and those engaged in harvesting/processing of those resources, including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values.

Rationale: The project area is within a Mineral Resource (MR) Zone according to the general plan. The project would not preclude the study or identification of economically viable natural resources on the subject parcel. Because of the relatively small project footprint, 2500 square feet within a 48.26-acre lot, mineral resource exploration and extraction could potentially occur on site, without significant encumbrance due to the presence of the wireless facility. Both commercial and public facilities land uses are considered appropriate in the Mineral Resource Zone according to the general plan. A cellular telecommunications facility is considered similar to a public utility facility, though privately-owned. The project would not introduce development that would compromise the natural resource value of the parcel.

2.2 The project is consistent with General Plan Policy 2.2.2.7.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses.

Rationale: The project area is within a Mineral Resource Zone according to the general plan. As concluded in Finding 2.1 above, the project would not introduce development that would compromise the natural resource value of the parcel.

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 project parcel is surrounded by rural residential development and small-scale agriculture, with the Grizzly Flat Rural Center to the south. Although the project will result in a commercial use, it has been designed to visually blend with the surroundings, will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and a 2,500 square-foot lease area within a 48.26-acre rural parcel. The project will be compatible with surrounding uses. In addition, the project will provide wireless communication coverage and capacity, which the area currently lacks.

2.4 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.

Rationale: The project was reviewed by County Environmental Management, Transportation, and PG&E for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The facility will require no water, sewer, or solid waste service 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. The applicant proposes to bore conduits from that location over to the site to access electricity. Verizon Wireless proposes to utilize the current electrical feeds located approximately 200 feet southeast of the tower site, along the entrance driveway.

2.5 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 within a very high fire hazard area. The Pioneer Fire Protection District and Cal Fire were given the opportunity to comment and had no additional conditions of approval to apply to the project. 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.

2.6 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.

Rationale: In compliance with Policy 6.2.3.2, the project will utilize an existing gravel driveway for access. The site is located at Eagle Hill Road, a public road. Emergency access to the facility would be available by the 15-foot wide, 200-foot long, non-exclusive gravel road extension from the driveway and a hammerhead turnabout. The Transportation Division, Pioneer Fire Protection District, and Cal Fire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the Pioneer Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

2.7 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.

Rationale: The noise produced as a result of this project would comply with the standards in the General Plan. Noise will result from construction of the facility and the operation of the electronic base transfer system (BTS or cabinets), two air conditioning units, and a back-up generator within the equipment shelter. The maximum noise level from the air conditioner is 61.0 dBA when measured at a distance of 6.5 feet, according to the sound level evaluation for this site and proposed equipment. The maximum calculated noise levels for continuous operation of the air conditioners are 27.0 and 28.0 dBA, at the east and west property lines, respectively, which is well below the County's most restrictive nighttime limit of 40 dBA. On the day on which the generator is tested, the maximum calculated noise levels are 34.0 and 35.3 dBA, respectively, also below the County's most restrictive limit. 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.

2.8 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The project is in compliance with the policy related to steep slopes.

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.

Rationale: The proposed lease area is surrounded by trees, but no trees are proposed for removal for construction. An arborist study was conducted in order to identify measures to protect oaks during construction. According to the Revised Arborist Survey report by Natural Investigations Company, dated June 8 2015 and submitted by the applicant, the project area consists of an existing road and cleared area, and contains approximately 5% oak tree canopy. The subject parcel's overall pre-project oak canopy coverage is 9%. Construction activities would result in the removal of two Jeffrey

pinus and three incense cedars. No oak trees will need to be removed. However, several trees, including two black oak trees, will be trimmed to create the vertical clearance necessary for construction and operation of the project. This trimming would temporarily impact approximately 157 square feet and 610 square feet, respectively, of oak canopy. The temporary oak canopy loss (0.02 acres) is approximately 0.4 percent of the total oak tree canopy within the parcel. Greater than 90 percent of the oak tree canopy is being preserved. However, this trimming may adversely affect the oak trees. The report included several recommendations to minimize tree impacts and preserve the oak trees, which are listed in condition of approval 14. With the implementation of the conditions of approval, the project is consistent with policy 7.4.4.4 of the General Plan.

2.10 This project is consistent with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.

Before granting approval, a determination shall be made by the approving authority that the proposed use:

A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and

Rationale: In accordance with Policy 8.1.4.1 of the Agriculture and Forestry Element of the General Plan, the application was sent to the Agricultural Commission for review and comment. The Department of Agriculture did not respond with any concerns about the project. The project concerns a small portion of the property which is not currently used for agriculture. The facility will not interfere with any agricultural pursuits in the area or intensify or add any conflicts between residential areas and agricultural activities.

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

Rationale: The Department of Agriculture did not have any concerns about the project. The majority of the parcel will remain as it is currently used, as only the access drive and the 2500 square-foot lease area will be disturbed. The operation of the facility will not change the size or use of the remainder of the site. Therefore, the facility will not interfere with any agricultural pursuits in the area and will not negatively affect other agricultural lands between the project site and non-agricultural lands.

C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: The project will not create any new lots, and the subject parcel will remain at over 48 acres. The development of the facility will not reduce any buffering effects that currently exist, as the development involves only the 2500 square feet lease area and access drive.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The parcel is zoned Planned Agricultural Twenty-Acre (PA-20). The project has been analyzed in accordance with Zoning Ordinance Section 130.36.150 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: 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 new wireless telecommunication facilities.

3.2 The project is consistent with Section 130.14.210(B).

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.

Rationale: The applicant provided a site justification statement identifying the proposed site as the most optimum in providing services to the Omo Ranch area (Exhibit G-1 through G-3). The proposed tower would allow up to two other carriers to collocate at this facility in the future.

3.3 The project is consistent with Section 130.14.210(D)(5)(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.

Rationale: The applicant has submitted an application for a use permit to be reviewed by and subject to the approval of the Planning Commission.

3.4 The project is consistent with Section 130.14.210(E-J).

Section 130.14.210 B, E-J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

E. 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 F. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

F. 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 facility shelter will be painted to match the natural color scheme. The tower pole will be painted to match the natural color scheme and will have tree limbs resembling a Pine. The antennas will be painted to match the branch color and will have pine needle socks installed around them to reduce visual impact. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to blend with the native oak and pine tree vegetation. The project has been designed to blend in with the natural features and vegetation as directed by Section 130.14.210 of the Zoning Ordinance. The proposed mono-pine tower would be visible only from the immediate surrounding area. The tower would not be visible from surrounding properties or nearby roads. The wireless communication tower would be designed to resemble a pine tree with antennas located in faux branches. The tower pole would be painted to match the bark color of a pine tree. The monopine design would camouflage the facility to blend in with the surrounding vegetation. Photo simulations are provided in Exhibits F-1 to F-3.

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 PA-20 Zone District requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 100 feet from all property lines and the location is therefore consistent with the PA-20 Zone District setback standards (Exhibit E-4).

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: Maintenance personnel would visit the site approximately once 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 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.

- G. *Radio Frequency (RF) Requirements: Section 130.14.210.G 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 (dated August 25, 2014) confirms compliance with the FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit H).

- H. *Availability. Section 130.14.210.H requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The monopine would be constructed with the ability to accommodate an additional carrier; however, no specific location or quantity antennae have been identified. Any separate future collocation would require a revision to this use permit, subject to review by the County.

- I. *Section 130.14.210.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.*

Rationale: The project has been conditioned to comply with this requirement.

- J. *Section 130.14.210.J of the Zoning Ordinance states certain notification requirements for projects located within 1000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: The project parcel is not within 1000 feet of a school or land governed by CC&Rs and these notification requirements do not apply to this project.

4.0 SPECIAL USE PERMIT FINDINGS

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

Rationale: 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.

Rationale: At one percent or less of the public safety standard established by the FCC, the risk of Radio Frequency (“RF”) emissions to the surrounding public is remote. The use will not significantly conflict with surrounding uses. The facility will be only slightly visible, and the tower antennas will be concealed by monopine branches. As 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.

Rationale: The proposed use complies with the requirements of Zoning Ordinance Section 130.14.210.E through J (facility requirements/analysis) and 130.36.160 (parcel size for Planned Agriculture (PA) Zone District).