

**COUNTY OF EL DORADO PLANNING AND BUILDING
DEPARTMENT**



**PLANNING COMMISSION
STAFF REPORT**

Agenda of: May 23, 2019

Staff: Tom Purciel

CONDITIONAL USE PERMIT

FILE NUMBER: CUP18-00007/AT&T Tower, Gold Hill/Coloma

APPLICANT/AGENT: AT&T Mobility c/o Complete Wireless / Maria Kim

PROPERTY OWNER: Jason and Jennifer Bloxsom

REQUEST: Conditional Use Permit to allow the construction and operation of a 115-foot high stealth mono-broadleaf wireless communication facility, enclosed walk-in equipment shelter and emergency backup generator within a 50-foot x 50-foot leased area.

LOCATION: Approximately 1,500 feet north of Thompson Hill Road near the intersection with Los Robles Road, in the Gold Hill/Coloma area, Supervisorial District 4. (Exhibits A, B & C)

APN: 089-010-75 (Exhibit D)

ACREAGE: 50.0 acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit E)

ZONING: Agricultural Grazing, 40-Acre (AG-40) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Conditional Use Permit CUP18-0007 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit would allow for an unmanned wireless communication facility consisting of a 115-foot high stealth mono-broadleaf tower, enclosed walk-in equipment shelter and emergency backup power generator within a 50-foot x 50-foot leased area to be constructed at 5621 Big Sky Ranch Road (APN 089-010-75) in the Gold Hill/Coloma area. The height of the proposed tower is needed to create a direct line of sight to provide broadband internet and wireless network coverage in the Gold Hill/Coloma area of the County. Section 130.40.130 of the Zoning Ordinance allows Wireless facilities within the residential and rural zoning designations, subject to the approval of a Conditional Use Permit by the Planning Commission. Staff has determined that the proposed project is consistent with applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings. The project is participating in a Federal Government funded project called the Connect America Fund (CAF II), which provides underserved areas throughout the United States, including portions of El Dorado County, with high speed broadband internet. The CAF II program requires the applicant to provide broadband internet services capable of 10 Mbps download and 1 Mbps upload speeds.

ENVIRONMENTAL SETTING

The project is located approximately 1,500 feet north of Thompson Hill Road near the intersection with Los Robles Road in the Gold Hill/Coloma area. The project lease area is located in the north central portion of a 50.0 acre parcel, approximately 123 feet from the east property line and accessed from Big Sky Ranch Road via an existing paved driveway. Interior site access will be provided via a separate existing gravel driveway. The area consists of gently rolling topography with non-native grassland, native oaks and grey pines. The site location's elevation is approximately 1,370 feet above sea level, with slopes ranging from 0 percent to 15 percent. No oak trees are proposed to be impacted by the project. Views of the proposed facility will be screened by existing native oaks and grey pines in the vicinity of the lease area and all equipment will be located within a 2,500 square foot fenced compound. Existing uses include a single-family residence permitted in 1985, a barn permitted in 2010 and large animal grazing.

The Study Area is located in the North Fork American Hydrologic Unit (Hydrologic Unit Code 18020129). There are no potentially jurisdictional waters on site. The project parcel and proposed lease area is identified as flood zone "X (Unshaded)." The parcel is not within an Airport Compatibility Zone. The site is not located within an earthquake fault zone.

There is one rural residence located approximately 900 feet west of the project lease area. The onsite residence (Bloxsom) is located approximately 300 feet west of the lease area. While not in the immediate vicinity of the project, two additional rural residences are located more than 1,200 feet to the south and east of the project lease area (Exhibit C).

PROJECT DESCRIPTION

A request for a Conditional Use Permit to construct an unmanned wireless telecommunication facility located at 5621 Big Sky Ranch Road (APN 089-010-75) in the Gold Hill/Coloma area. The facility consists of a 115-foot high stealth mono-broadleaf wireless communication facility, enclosed walk-in equipment shelter and emergency backup power generator located within a 50-foot x 50-foot, 2,500 square foot fenced lease area. The project lease area is located in the north central portion of a 50.0 acre parcel, approximately 123 feet from the east property line and accessed from Big Sky Ranch Road via an existing paved driveway. A proposed 6-foot wide AT&T utility easement consisting of a 128-foot long underground trench will connect the lease area to an existing electrical pole with overhead utilities. Access to the lease area and operation of the facility will not interfere with existing uses. Planning Commission approval of this facility is being requested pursuant to the requirements of Section 130.40.130 of the Zoning Ordinance (Communication Facilities).

The unmanned facility will provide wireless high speed internet and enhanced wireless network coverage 24 hours a day, 7 days a week. Maintenance workers will visit the site approximately twice per month. There will be minimal noise from the emergency backup power generator and temporary construction noise associated with development of the facility and will not exceed noise thresholds established in the Zoning Ordinance. The generator will be operated once per week on weekdays between the hours of 8:00 a.m. and 7:00 p.m. for approximately 15 minutes for maintenance purposes and during emergency power outages.

Required fire protection services will be provided to the project site by the El Dorado County Fire Protection District (District) via an Out of Agency Service Agreement between AT&T and the District, as the project parcel is not located within District boundaries. To ensure fire protection services from the District are maintained in perpetuity, the property owner will be conditioned to obtain approval of an annexation of the project parcel into the District from El Dorado Local Agency Formation Commission (El Dorado LAFCO) within five years of project approval.

STAFF ANALYSIS

Environmental Review: Staff has prepared an Initial Study and has determined that there is no substantial evidence that the project would have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,354.75 after approval, but prior to the County filing the Notice of Determination of the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,354.75 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

The Initial Study (Exhibit L) identified two potentially significant impacts to biological resources including potential adverse effects on sensitive, listed or special-status plant and animal species and potential adverse effects on migratory and special-status birds. However, any significant impacts to these resources would be avoided or reduced to a less-than-significant level by mitigation measures incorporated into the project. To ensure compliance with required mitigation measures, a Mitigation Measures Agreement (MMA) will be required, signed by both the County and applicant, to ensure the applicant will comply with the County Mitigation Monitoring and Reporting Program (MMRP). For this project, the MMRP incorporates four specific mitigation measures (Mitigation Measures #1 through #4), included as staff report Conditions of Approval No. 13 through 16. The project MMRP will be adopted in conjunction with the Mitigated Negative Declaration.

General Plan Consistency: Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.1.2.2 (adequate public services for new discretionary development), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access), Policy 7.4.4.4 (impacts to oak resources) and Policy 8.1.3.5 (Agricultural Commission recommendation regarding potential impacts to agricultural use of the property). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

Zoning Ordinance Consistency: Staff has determined that the project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, including:

1. Minimized impacts of new communication facilities and utilization of co-locations where feasible (Section 130.40.130.A);
2. Conditional Use Permit requirement (Section 130.40.160.B6); and
3. Standards for construction and development including visual simulations, development standards, RF requirements, co-location availability, unused facility removal and permit application requirements (Sections 130.40.130 [C-H]).

For details, please refer to the discussion in Section 3.0 of the Findings.

Alternative Sites Analysis: The project applicant provided an alternative sites analysis (Exhibit J), including one possible co-location, with a search radius of approximately one mile. A total of four other sites were considered but rejected due to a combination of factors including but not limited to aesthetic issues, proximity to existing residential structures, inadequate coverage, inability to obtain site access agreements from willing property owners and potential loss of agricultural land. This current site was identified as the most optimum in providing additional services and capacity to the area. It will also have the capacity to serve as a co-location site for additional future carriers. Details regarding the alternate site analysis are discussed in Section 3.0 of the Findings.

Conditions of Approval: The project was distributed to 18 County, local, state and federal agencies and departments for review and comment. From the initial distribution, significant

comments were received from only one agency, the El Dorado Local Agency Formation Commission (El Dorado LAFCO). LAFCO comments have been incorporated as Condition of Approval No. 17.

In addition, the application was also distributed to applicable native American tribal organizations pursuant to the requirements of AB 52, including the United Auburn Indian Community (UAIC). UAIC comments were received on December 7, 2018 and their comments regarding Tribal Cultural Resources have been incorporated into the project as Conditions of Approval No. 9 and 10.

Two other agencies responded, but had no comments (the County Department of Transportation and the County Surveyor's office) and one additional agency (the County Environmental Management Division) provided comments regarding codified solid waste and hazardous materials regulations which would apply to any building and grading permits associated with the project. The El Dorado County Fire Protection District also reviewed the application, but had no concerns and did not submit comments.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Vicinity Map
Exhibit B.....Location Map
Exhibit C.....Site Aerial Photo
Exhibit D.....Assessor's Parcel Page
Exhibit E.....General Plan Land Use Map
Exhibit F.....Zoning Map
Exhibit G.....Submitted Plan Set (10 pages)
Exhibit H.....Coverage Map
Exhibit I.....Visual Simulations
Exhibit J.....Alternative Sites Analysis
Exhibit K.....Radio Frequency-Electromagnetic Energy
Compliance Report
Exhibit L.....Proposed Mitigated Negative Declaration and Initial
Study