

FINDINGS

Special Use Permit S15-0011/Verizon Wireless Communication Facility Cedar Ravine Monopine Planning Commission/December 10, 2015

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 Agricultural Lands (AL) designation is applied to lands described in Policy 8.1.1.8. A maximum of two residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in Rural Regions only.

Rationale: The project parcel has an AL General Plan land use designation and is located within a Rural Region. The site is currently developed with an existing wireless communication facility ancillary to the site's existing agricultural uses. Policy 8.1.1.8 is discussed in more detail in section 2.11 below. The project, as proposed and conditioned, is consistent with General Plan Policy 2.2.1.2.

2.2 The project is consistent with General Plan Policy 2.2.2.8.

According to Policy 2.2.2.8, the Important Biological Corridor (-IBC) overlay shall be set forth in Policy 7.4.2.9. Where the -IBC overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purpose of the -IBC overlay.

Rationale: The project parcel has an AL General Plan land use designation and an –IBC overlay. The site is currently developed with an existing wireless communication facility ancillary to the site’s existing agricultural uses. Policy 7.4.2.9 is discussed in more detail in Section 2.10 below. The project, as proposed and conditioned, is consistent with General Plan Policy 2.2.2.8.

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: Agricultural, rural residential, recent mining land uses, and vacant agricultural lands surround the project parcel (Staff Report Exhibit E). The project site is adjacent to a water storage facility located on a separate parcel that is surrounded on all sides by the project parcel. Although the project will result in an expansion of a commercial use, it has been designed to visually blend with the surroundings (Staff Report Exhibits F-7 and H), will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and an 18-by 18-foot lease area within an existing wireless communication facility on a 76-acre parcel. The project will be compatible with surrounding uses. In addition, the project will provide improved wireless telecommunication capacity and coverage within the service area. The site is will improve inadequate capacity in the area due to high cell phone usage along Cedar Ravine Road and will improve service in the City of Placerville and surrounding rural residential areas.

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 Transportation and Environmental Management Divisions, and the El Dorado County Fire Protection District 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 telco feeds located approximately 115 feet south west of the tower. The facility will require no water or sewer as it is an unmanned facility with no proposed landscaping. 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.

2.5 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 existing wireless facility, including the area for the proposed tower and lease area, would be located within a high fire hazard area. The El Dorado County Fire Protection District and 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.

2.6 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, emergency access to the project would utilize a proposed on-site gravel driveway taking access off of Harris Court. Access to the site would be provide by a proposed 12-foot wide non-exclusive Verizon Wireless access easement containing an approximately 2,200-foot long existing gravel driveway taking access off Harris Court. The access road terminates at the existing facility and includes an existing turn around that will be improved to a hammerhead design to better accommodate vehicular turnaround. The El Dorado County Fire Protection District has recommended conditions that the project to include turnouts, at locations to be identified during building permit review, along the access road. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado County 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 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, according to the sound level evaluation for this site and proposed equipment. The predicted noise levels of the combined operation of the air conditioner with the generator at the north (closest) property line is 41.4 dBA, meeting the County's daytime and evening rural noise limits (Hammett, 2015; Attachment 5). 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 (Attachment 5 of Staff Report Exhibit J). 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 proposed facility will not disturb any areas on slopes exceeding 30 percent. The proposed wireless telecommunications site is located in a relatively flat area. Therefore, the project is in compliance with the General Plan Policy.

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 project site is proposed to be located within an existing 50- by 50-foot lease area absent of vegetation from previous construction activities. Construction would require boring and/or trenching within the utilities lease area and utilities easement in an area previously disturbed by construction activities and adjacent to an existing driveway. 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.

2.10 The project is consistent with General Plan Policy 7.4.2.9.

According to policy 7.4.2.9 of the General Plan, 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. Lands located with the overlay district shall be subject to the following provision except that where the overlay is applied to lands that are subject to Agricultural Districts overlay (-A) or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purpose of the -IBC overlay. The specific provisions include:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Game);
- Standards for retention of continuous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits, discretionary, or some other type of “site review” to ensure that canopy is retained; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

Rationale: The project site is proposed to be located within an existing 50- by 50-foot lease area absent of vegetation from previous construction activities. Construction would require boring and/or trenching within the utilities lease area and utilities easement in an area previously disturbed by construction activities and adjacent to existing driveway. 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 project is consistent with policy 7.4.2.9 of the General Plan.

2.11 The project is consistent with General Plan Policy 8.1.1.8.

According to policy 8.1.1.8 of the General Plan, lands assigned the Agricultural Land (AL) designation shall be of sufficient size to sustain agricultural use and should possess one or more of the following characteristics:

- A. Are currently under a Williamson Act or Farmland Security Zone Contract;
- B. Contain the characteristics of choice agricultural land (i.e., contain choice

- agricultural soils and/or contain Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland); or
- C. Are under cultivation for commercial crop production or are identified as grazing land;

And one of the following:

1. Are located in the county's Rural Region; or
2. The County Department of Agriculture has determined that the land is well suited for agricultural production.

Rationale: The project site has an AL General Plan land use designation and is of sufficient size to sustain agricultural use, is currently under a Williamson Act Contract with Agricultural Preserve Number 7, contains Locally Important Farmland, is currently under agricultural cultivation, and is located in the Rural Region. The project was routed to the El Dorado County Agricultural Commission and no comments were provided that identified any issues regarding the conversion of agricultural land or the current Williamson Act Contract. The proposed project would not affect the ability of the site to sustain agricultural use. The project is consistent with policy 8.1.1.8 of the General Plan.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The portion of the parcel where the existing wireless telecommunication facility and proposed tower and lease are located is zoned Exclusive Agricultural (AE). The project has been analyzed in accordance with Zoning Ordinance Section 130.36.090 (Development Standards) for minimum lot size, building coverage, lot 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 wireless telecommunication facilities within the Exclusive Agricultural zone.

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 project would replace an existing 53-foot tall monopole with an 82-foot monopine. The new monopine tower will allow for replacement of existing carrier equipment from the existing monopole to the proposed monopine, co-location of new Verizon equipment, and potential future co-location of an additional carrier. The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility (Staff Report Exhibit I-1 through I-3).

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 existing wireless telecommunications facility was approved through a special use permit by the Planning Commission (S93-0004). The applicant has submitted an application for a special use permit for the replacement of the monopole by a monopine, replacement of existing carrier equipment from the existing monopole to the proposed monopine, and co-location of Verizon wireless tower equipment and related ground equipment 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 H of the Staff Report. 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 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 project would replace an existing wood pole with a monopine. The facility 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 faux 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 H, F-4, and F-7).

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 AE Zone requires a 30-foot front, side, and rear setback from property lines for all structures. The proposed monopine tower would replace an existing monopole in the same location, and along with proposed ground related equipment, would be located inside a previously approved (S93-0004) existing wireless telecommunications facility compound within an existing 50- by 50-foot lease area. Setbacks would be greater than 150 feet to the northern, eastern, and western property lines. The existing approved lease area is located approximately 10 feet north of an existing parcel containing a water storage facility. That parcel is entirely surrounded by the project parcel. Locating the proposed monopine tower and related ground equipment within the existing wireless telecommunications facility compound is the most practical and unobtrusive location possible on the proposed site. Therefore, the project is consistent with setback standards of the AE Zone and Section 130.14.210 F.2 of the County Zoning Ordinance. (Staff Report Exhibit F-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 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 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 April 21, 2015) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits (Attachment 4 of Staff Report Exhibit J).

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 the relocation of the existing carrier's equipment from the existing monopole to the proposed monopine, the proposed Verizon equipment, and future potential collocation of an additional carrier. However, the specific location or quantities of future antennae have been not identified. Any separate future co-location would require a revision to this special 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 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.

Rationale: 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.

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 11.0 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. 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. 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.

Rationale: As discussed in Section 3.3 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.14.210(D)(5)(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.