

FINDINGS

Conditional Use Permit CUP23-0004/Pleasant Valley Monopine Planning Commission/August 24, 2023

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 California Environmental Quality Act (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 judgement of the County and has been completed in compliance with CEQA and is adequate for this project.
- 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 at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The proposed use 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 Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting.

Rationale: The project proposes to allow the construction and operation of a new telecommunications facility. The land use designation of the subject parcel allows for the development of single-family residences and associated structures, including those uses and structures allowed as a conditional use. The proposed monopine facility will not intensify uses on the parcel to a significant degree and will not result in negative impacts to the general health, safety, or welfare of nearby residents. As proposed, and as conditioned, this proposal is consistent with this policy.

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: The proposed Conditional Use Permit (CUP) is consistent with applicable General Plan policies as discussed in the Staff Report and is, therefore, consistent with this policy.

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 that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids incompatibility or shall be located on a different site.

Rationale: The proposed 100-foot-tall monopine tower will be located on the southeastern portion of the subject parcel and is set back from the nearest lot line and Pleasant Valley Road by 75 feet. The nearest residentially developed parcel to the proposed project is approximately 170 feet away (across Pleasant Valley Road), and the nearest directly adjacent lot line that is shared with a residentially developed parcel is approximately 295 feet from the proposed project. The proposed monopine has been designed and located in a manner that avoids incompatibility with adjoining land uses and is therefore consistent with this policy.

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

(1) Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: This policy does not apply, as the project does not propose residential development.

(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 (5) 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 does not create any residential parcel(s); 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 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 (DOT) 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 (as defined by General Plan Policy TC-Xe) 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 two (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 or 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 (5) 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 forecasted 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 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 will pay any applicable TIM fees at the time a building permit is issued.

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 DOT, El Dorado County Fire Protection District (Fire Authority), and Pacific Gas and Electric (PG&E) 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. Cellular communication facilities are an essential part of emergency communication systems.

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 on a currently developed residential parcel with existing water service. The project was reviewed by the El Dorado County Fire Protection District and the El Dorado Irrigation District (EID). No issues or concerns were noted regarding the adequacy of the

quality or quantity of water for any uses. Therefore, the proposed project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 6.2.2.2.

General Plan Policy 6.2.2.2 (High and Very High Fire Zone Development Limitations) precludes development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection.

Rationale: The El Dorado County Fire District has reviewed the project and waived the requirement for a fire safe plan. Therefore, the project is consistent with this policy.

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 project was reviewed by DOT and the Fire Protection District and as proposed, there were no concerns regarding the existence of adequate access for access for emergency vehicles. The subject parcel currently takes access from Pleasant Valley Road from a driveway on the northeast corner of the parcel. The applicant is proposing to add a second encroachment to the parcel from Pleasant Valley Road closer to the project site, south of the existing encroachment. The project has been conditioned by DOT to account for this additional encroachment. Therefore, the project is consistent with this policy.

2.16 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. Therefore, the project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130

The Residential Estate (RE) zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development at a range of densities to include one (1) dwelling unit per five (5) acres and one (1) dwelling per ten (10) acres.

Rationale: The subject parcel is zoned RE-5 (Exhibit D). The residential zone matrix of allowed uses (Table 130.24.020) establishes those uses that are permitted and those that require approval by a CUP in the RE zoning designation. The matrix includes communication facilities as a use that is allowed by the issuance of a CUP approved by the Planning Commission.

The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Residential Zone Development Standards) for minimum lot size, dimensions, height, and building setbacks. The project, as proposed and conditioned, is consistent with the Zoning Ordinance and complies to all applicable standards.

3.2 The project is consistent with Section 130.40.130(A).

Section 130.40.130(A) specifies that communication service providers shall employ all reasonable measures to site their antennas on existing structures prior to applying for new towers or poles.

Rationale: The project will result in the construction and operation of a 100-foot tall monopine. The project applicants submitted a list of four (4) other sites with the potential to provide coverage for the service gap in this area. The alternative sites were either determined to not provide the coverage of the chosen site or property owner interest could not be obtained. The chosen site was deemed to be the most appropriate location for the installation of a wireless facility based on propagation and radio frequency cover studies conducted. The chosen site is the least intrusive and will create improved wireless coverage for the underserved wireless users in the surrounding area. Therefore, as proposed, the project is consistent with Section 130.40.130(A).

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

The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:

- A. In all commercial, industrial, and research and development zones, except where located adjacent to a State highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.
- B. In all other 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 CUP in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

Rationale: The proposed project is located within 500 feet of a residential zone. The application for a CUP fulfills the necessary requirements and is consistent with Section 130.40.130(B)(6)(b).

3.4 The project is consistent with Section 130.40.130(C-H).

Section 130.40.130(C-H) of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria.

- C. 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 Attachment 7 of the Initial Study Negative Declaration (Exhibit G). These simulations demonstrate how the facility will blend with the existing tree canopy. Therefore, the project is consistent with this policy.

- D. Development Standards: 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 a vacant portion of a residentially developed parcel. No tree canopy exists within the proposed 40-foot by 40-foot lease area. Although the monopine is located adjacent to Pleasant Valley Road, there are tall pine trees lining that section of the road. The elevated grade of the proposed site, compared to the roadbed, also aids in the

concealment of the proposed monopine. The use of fencing will help conceal the ground mounted equipment from view. The siting of the proposed monopine has been determined to be the least intrusive placement for the project and will not have a significant effect on surrounding uses or viewsheds. Therefore, as proposed and conditioned, the project is consistent with this development standard.

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 RE zone, which identifies a 30-foot front, secondary front, and rear yard setback standard and 30-foot side yard setback standard. The project will be located on a new tower set back in excess of these minimum standards for the RE zone.

3. **Maintenance.** All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.

Rationale: The project has been conditioned to conduct routine wireless facility maintenance for the ongoing operation and safety of all equipment. Additional immediate visits will occur if the site equipment is not functioning. Conditions shall ensure that the colors and materials of the stealth enclosure and ground equipment enclosure will be maintained at all times and will be consistent with the features as depicted in the elevations (Exhibit F).

- 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: The submitted application includes an RF analysis report that 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).

- F. **Availability:** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.

Rationale: The project proponents have confirmed adequate space will be available for future colocations with other cellular service providers.

G. Unused Facilities: All obsolete or unused communication facilities shall be removed within six (6) 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.

H. Permit Application Requirements: Notification requirements for projects located within 1,000 feet of a school or on residentially zoned lands with a Homeowners Association (HOA).

Rationale: The proposed project is not located within 1,000 feet of a school or on a property within an HOA, and no adjacent properties are within an HOA. The project complies with the notification requirements.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements of 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 use will not conflict with the adjacent uses as the ground-support equipment and towers are sited on a parcel which is zoned and developed for residential use and for which a telecommunication facility is a use allowed by CUP. As conditioned, the project is not anticipated to result in significant environmental impacts or impacts to neighboring parcels. 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. At one (1) percent or less of the public safety standard established by the FCC at the project site, the risk of RF emissions to the surrounding public is remote.

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

Because the proposed use complies with the requirements of Zoning Ordinance Section 130.40.130.A through H, the communication facility is a specifically permitted use with a CUP.