

## **FINDINGS**

### **Special Use Permit Revision S01-0032-R-6/American Tower Corporation Strawberry Site Planning Commission/November 12, 2015**

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorically Exempt from CEQA pursuant to Section 15301 (Existing facilities), which states “that the operation or minor alteration of existing structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt”. The removal of branches within an existing cell tower lease area would be considered a minor alteration of an existing structure and would not result in any expansion of the facility. Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.
- 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 Development Services Division, Planning Services, 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 parcel has an NR General Plan land use designation and creates a buffer between an area of Single-Family Residential (R1) zoning and High-Density Residential land use designation and an area of RA-160 zoning and NR land use designation. The site is currently developed with a single-dwelling unit and associated accessory structures. The existing facility is ancillary to the existing residential development of the 14.71-acre parcel.

##### **2.2 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: As conditioned, the proposed revision would be compatible with surrounding uses and have minimal impacts on visual resources. The monopine, proposed to be converted to a monopole, is located at the end Cooks Spur Road at a higher elevation than residential uses to the south and east. The monopole is located against a steep, densely forested hillside and is well below the ridgeline. The monopole is visible from very few public vantage points (Staff Report Exhibit H). The applicant maintains that the monopine is difficult to maintain due to high winds and snow. Many of the branches have fallen off, and as of recently, are on the ground below the monopine.

**2.3 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 will continue to utilize existing public services and utilities. No new utilities or public services would be required as a result of the proposed project.

**2.4 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 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. The facility does not require the use of potable water or wastewater, as it is an unmanned facility. Therefore, the project is in compliance with this policy.

**2.5 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 is through an existing, previously approved paved driveway and hammerhead turnaround. Therefore, the project is in compliance with the General Plan Policy.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The parcel is zoned Estate Residential (RE-10). The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (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 it includes minor alteration to an existing monopine structure that was previously approved and complies with building setbacks and other applicable design standards for 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 existing monopine accommodates multiple wireless carriers. The proposed conversion of the monopine to a monopole will not result in a reduction of carriers.

#### **3.3 The project is consistent with Section 130.14.210(D)(6).**

Application proposals that do not fit the criteria in Section 130.14.210(D)(1) through (4) will be subject to a special use permit by the planning commission, as determined by the Planning Director.

Rationale: The applicant has submitted an application for a special use permit revision 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 the proposed conversion of the monopine to a monopole.

*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 site is surrounded by dense vegetation. The monopole will remain a dark brown color and monopine bark will remain. All existing antennas and mounting hardware will be painted to match the existing bark (Staff Report Exhibits H, F-2, and F-5).

*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 RE-10 Zone requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located 30 feet or greater from all property lines and the location is therefore consistent with setback standards of the RE-10 Zone (Staff Report Exhibit F-2).

*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: According to the applicant, the site experiences ongoing maintenance issues with the monopine branching due to the sites high elevation and associated high winds and snow in the area. This results in a monopine with less than adequate branching to meet the requirements of this maintenance development standard. Conversion of the monopine to a monopole will provide a solution to the ongoing maintenance issue.

*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: The project will not result in any additional equipment which would emit RF levels above what has already been analyzed and approved.

*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 existing monopine accommodates multiple wireless carriers. The proposed conversion of the monopine to a monopole will not result in a reduction of carriers.

*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 on 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: 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)(6) subject to approval of a special use permit by the Planning Commission. The applicant has submitted an application for a special use permit revision to be reviewed by and subject to the approval of the Planning Commission.