

## **FINDINGS**

### **Planned Development 15-0005/Special Use Permit S14-0012/ Verizon Wireless Communication Facility Auburn Lake Trails Monopine Planning Commission/November 12, 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 Rural Residential (RR) designation identifies areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substantial access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential and the Natural Resource designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Rationale: The project parcel has a Rural Residential General Plan Land Use Designation and is located in a Rural Region just east of the Cool Rural Center. The site has been previously developed with a single dwelling with accessory structures and uses. The proposed cellular telecommunications facility would be ancillary to the existing residential development of the 45.03-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: The project parcel is surrounded by rural residential development and vacant residential lands. 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 50- by 50-foot lease area within a 45.03-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.

**2.3 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 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 bore conduits to utilize the current electrical feeds located approximately 600 feet 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.

**2.4 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 proposed project is 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.

**2.5 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 would utilize a proposed on-site gravel/partially paved driveway that connects to the existing gravel driveway taking access off of State Highway 193. The proposed on-site access would consist of a 15-foot wide, approximately 2000-foot long, non-exclusive access and utility easement that would contain the proposed gravel/partially paved driveway and hammerhead turnaround. The El Dorado County Fire Protection District has also conditioned the project to require three on-site turnouts along the access road and that the road be paved with an all-weather surface for portions with a grade of 16 percent or greater (Condition of Approval No. 36 and Staff Report Exhibit J). 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.

**2.6 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 outdoor equipment cabinets and a stand-by generator. The maximum noise level from the equipment cabinets is 66.0 dB when measured at a distance of 5 feet, according to the sound level evaluation for this site and proposed equipment. The predicted noise levels of the equipment cabinets would be 26 dBA at the nearest residence approximately 650 feet away, satisfying the most restrictive nighttime noise standards (Attachment 4 of Staff Report Exhibit K). The generator is only used during daytime hours for testing and maintenance and during extended power outages. The predicted noise level of the generator is 68 dB at 23 feet and 40 dB at the nearest residence, meeting the maximum and average county limits for rural areas for daytime, evening, and nighttime noise standards (Attachment 4 of Staff Report Exhibit K). 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.

**2.7 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 proposed wireless telecommunications site is located on the top of a steep knoll in an area that is relatively flat. Any disturbance to sloped areas would be for required project access. Therefore, the project is in compliance with the General Plan Policy.

**2.8 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 and access road are located in areas that are adjacent to or surrounded by trees, including oak trees. No trees are proposed for removal to allow for construction of the tower or access road. The project is consistent with policy 7.4.4.4 of the General Plan.

**3.0 ZONING FINDINGS**

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

The parcel is zoned Estate Residential-Planned Development (RE-10-PD). 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 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 130.04.005(D).**

The Planning Commission shall not approve or conditionally approve a development plan nor recommend the establishment of a PD zone unless it makes the required findings.

Rationale: Section 4.0 below identifies the appropriate findings necessary to conditionally approve the proposed development plan for the wireless telecommunications facility.

**3.3 The project is consistent with Section 130.04.030(B).**

An application for a development plan where the PD or combined zone has been established shall be considered by the Planning Commission at a public hearing and the Planning Commission shall serve as the approving authority unless the development plan is submitted concurrently with a zone change.

Rationale: The project parcel already has the Planned Development combining zone. The proposed development plan will be reviewed by and be subject to the approval of the Planning Commission.

**3.4 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 project support statement that contains an alternative site analysis identifying the reasoning for selecting the project parcel for the wireless telecommunication facility siting and ability of the site to accommodate future co-location of additional carriers (Exhibit J of Staff Report). The applicant has also provided coverage maps identifying the existing and increased cellular service resulting from the proposed facility (Staff Report Exhibits H-1 through H-3).

**3.5 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 special use permit to be reviewed by and subject to the approval of the Planning Commission.

**3.6 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 G 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 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 G, F-6, and F-9).

*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 over 75 feet from all property lines and the location is therefore consistent with setback standards of the RE-10 Zone (Staff Report Exhibit F-3).

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 November 4, 2014) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits (Attachment 3 of Staff Report Exhibit K).

- 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 quantities of antennae have been 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 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 located on residentially zoned land governed by CC&Rs. Therefore, these notification requirements do not apply to this project.

#### **4.0 PLANNED DEVELOPMENT FINDINGS**

##### **4.1 That the PD zone request is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0 General Plan Findings, the proposed development plan and special use permit request is consistent with the applicable policies and requirements in the El Dorado County General Plan.

##### **4.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.**

Rationale: The proposed development is a wireless telecommunication facility that contains the necessary equipment for operation. The boundaries of the project include the proposed lease area and access road. The project has been designed to blend in with the natural features of the existing parcel. The project would not create an undesirable environment within its boundaries.

##### **4.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

Rationale: As discussed in Section 3.1 and 3.6 above, the project has been designed in accordance with Zoning Ordinance Sections 130.70.110 and 130.14.210(E-J) and no exceptions to the standard requirements have been requested.

##### **4.4 That the site is physically suited for the proposed use.**

Rationale: The 45.03 acre site is able to accommodate the proposed wireless telecommunication facility. The proposed site is already developed with a residential dwelling and associated structures. The location of the proposed lease areas, monopine tower, and associated equipment is on a steep knoll in the northeast corner of the parcel. No substantial evidence was identified in the preparation of the Initial Study for the project (Staff Report Exhibit K) that the site is not physically suited to accommodate the proposed use.



**4.5 That adequate services are available for the proposed uses, including, but not limited to water supply, sewage disposal, roads and utilities.**

Rationale: As discussed in Sections 2.3 through 2.5 above, the project was reviewed by County Transportation and Environmental Management divisions, and the El Dorado County Fire Protection District for adequate public services capacity and access, including emergency water supply and access, and applicable conditions of approval have been incorporated into the project staff report. The project will utilize the current electrical feeds located approximately 600 feet west of the tower. The facility will require no water or sewer as it is an unmanned facility with no proposed landscaping.

**4.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.**

Rationale: As discussed in Section 3.6 above, 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 site is located in a rural region surrounded by vacant residential lands and large-lot single-family residences. No scenic vistas, as designated by the county General Plan, are located in the vicinity of the site. The views from the surrounding roads or residences to the site could be considered scenic vistas. However, the proposed stealth components of the project would camouflage the tower and appear to be a pine tree from areas with a direct line-of-site to the facility. Other views of the area would be unobstructed by the facility and surrounding trees in the area would block the view of the monopine from certain vantage points. As designed and conditioned, the project would not significantly detract from the natural land and scenic values of the site.

**5.0 SPECIAL USE PERMIT FINDINGS**

**5.1 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.

**5.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: At 1.1 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 only slightly visible, and 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.

**5.3 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.