

## **FINDINGS**

### **Special Use Permit S15-0009/Verizon Wireless Communication Facility Jackpine 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 Low-Density Residential (LDR) designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation provides a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the county and is applied to areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The allowable density for this designation is one dwelling unit per 5 acres with parcels ranging from 5 to 10 acres in size. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Rationale: The project parcel has a LDR General Plan Land Use Designation and is located within the Shingle Springs Community Region. The site is currently un-developed. The proposed tower is situated in the northwest corner of the site, allowing for future residential development of the site consistent with the LDR designation. The proposed cellular telecommunications facility would be ancillary to future residential development of the 28.57-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 on the south, west, north, and northeast by low- and medium- density residential development lands and vacant residential lands. To the southwest lies Ponderosa High School, a public facilities land uses. Although the project will result in a commercial use, it has been designed to visually blend with the surroundings (Staff Report Exhibits F-5 and H), will require vehicle trips only for construction and monthly maintenance, and involves the lease and use of an access drive and a 30- by 30-foot lease area within a 28.57-acre parcel. The project will be compatible with surrounding uses. In addition, the project will provide improved wireless cellular telecommunications along the Ponderosa Road Corridor, to rural residential properties in the area, and to fulfill user needs to nearby Ponderosa High School, 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 98 feet northwest of the tower, and would also utilize existing underground fiber connections along Ponderosa Road through underground connections. 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 an area of very high, high, and moderate fire hazard. The proposed tower and lease area would be located within a moderate 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 driveway taking access off of Ponderosa Road. The proposed on-site access would consist of a 15-foot wide, approximately 550-foot long, non-exclusive access and utility easement that would contain the existing gravel driveway improved to meet fire requirements including a hammerhead turnaround. 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 the operation of the electronic base transfer system (BTS or cabinets) and two air conditioning units within the equipment shelter, and from a back-up generator. The nearest property lines to the lease areas are approximately 100 feet to the west, 1,600 feet to the south, 1,050 feet to the southeast, 70 feet to the north, and 500 feet to the east. The nearest residence is approximately 300 feet to the northwest. Properties to the north and east are outside of the Community Region in the rural area, so a more restrictive time-averaged level of 50dB and maximum of 60dB was analyzed. According to the sound level evaluation for this site and proposed equipment, the maximum noise level from the air conditioner is 61.0 dBA when measured at a

distance of 6.5 feet. The maximum calculated noise levels for continuous operation of the air conditioners are 36.5 and 30.5.0 dBA, at the west and north property lines, respectively. This is below the County's most restrictive nighttime limit of 40 dBA. The generator is only used during daytime hours for testing and maintenance and during extended power outages. On the day on which the generator is tested, the maximum calculated noise levels are 34.0 and 35.3 dBA, respectively, also below the County's most restrictive limit (Attachment 5 of Staff Report Exhibit I). 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 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.

**2.8 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 (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 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 130.14.210(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 description that contains an alternative site analysis identifying the reasoning for selecting the project parcel for the wireless telecommunication facility siting (Staff Report Exhibit G). The site could accommodate 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 G).

**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 applicant has submitted an application for a special use permit 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 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-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 over 70 feet 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: 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 March 24, 2015) confirms compliance with the applicable FCC Regulations regarding maximum permissible exposure limits (Attachment 4 of Staff Report Exhibit I).

*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 1,000 feet of a school or on residentially zoned lands governed by CC&Rs.*

Rationale: Section 130.14.210.J requires that if the proposed wireless facility is within 1,000 feet of a school, the school district listed shall be notified during the initial consultation. The 28.57-acre project parcel is located adjacent to Ponderosa High School across Ponderosa Road to the west. However, the project site is located approximately 1,340 feet northwest of Ponderosa High School and is not located on residentially zoned land governed by CC&Rs. The El Dorado Union High School District has been notified of the project and will be notified of public hearing dates. The project complies with the notification requirements.

#### **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 2.0 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 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.

**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.