

FINDINGS

Special Use Permit S15-0013/Verizon Wireless Communication Facility (Mono-Pine) Planning Commission/September 8, 2016

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with 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 2.2.5.21.

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 small-scale agriculture. 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 900-square-foot lease area within a 10.06-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.

2.2 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 Environmental Management and Transportation for adequate public services capacity. The project will connect to existing electrical facilities and public services currently within the parcel. The operation of the telecommunications facility will require no water, sewer, or solid waste service as it is an unmanned facility. 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.

2.3 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 very high fire hazard area. The Pioneer Fire Protection District and Cal Fire were given the opportunity to comment and had no additional conditions of approval to apply to the project. 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.

2.4 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, the project will utilize an existing gravel driveway off of Rancho Montes Drive, a public road. The Transportation Division, Pioneer Fire Protection District, and Cal Fire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plan was reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the Pioneer Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

2.5 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 is surrounded by trees, but no trees are proposed for removal for construction. An arborist study was conducted in order to

identify measures to protect oaks during construction. According to the Revised Arborist Survey report by Natural Investigations Company, dated May 5, 2016 and submitted by the applicant, the project area consists of an existing road and partially-cleared area. The subject parcel's overall pre-project oak canopy coverage is 80%. Construction activities would result in the removal of approximately 436 square feet of oak canopy. The temporary oak canopy loss is approximately one percent of the total oak tree canopy within the parcel. Greater than 99 percent of the oak tree canopy is being preserved. The report included several recommendations to minimize tree impacts and preserve the oak trees, as well as the installation of two interior live oak trees adjacent to the lease area. With the implementation of the conditions of approval, 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 Rural Lands Ten-Acre (RL-10). The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, 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 site justification statement identifying the proposed site as the most optimum in providing services to the area (Exhibit G). The proposed tower would allow up to two other carriers to collocate at this facility in the future.

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 Conditional Use Permit by the Planning Commission.

Rationale: The applicant has submitted an application for a use permit to be reviewed by and subject to the approval of the Planning Commission.

3.4 The project is consistent with Section 130.37.060.

Section 130.37.060, 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 130.37.060.1 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 back-up generator. Construction noise would be temporary and would not violate any requirements of the Zoning Ordinance. The maximum noise level from the generator is 63.0 dBA when measured at a distance of 23 feet, according to the sound level evaluation for this site and proposed equipment. The corresponding noise level at 100 feet away from the nearest off-site sensitive receptor would be approximately 45 dBA. This is below the maximum noise level for Rural Regions of 50 dBA for daytime hours (7 a.m. to 7 p.m.) and evening hours of 45 dBA (7 p.m. to 10 p.m.). However, the limit for nighttime hours in Rural Regions is 40 dBA. A standard condition limiting the days and time of generator maintenance to daytime hours would lessen this impact. The proposed project will not expose people to noise levels in excess of standards established in the General Plan.

3.5 The project is consistent with Section 130.14.210(E-J).

Section 130.40.130 C-J of the Zoning Ordinance requires that all wireless communication facilities meet certain criteria. Below is an analysis of these standards:

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 Exhibit F. These photos demonstrate how the facility will blend with the surrounding area thereby minimizing its visual impacts.

D. Development Standards: All facilities shall be conditioned, where applicable, to meet the criteria below:

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. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.*

Rationale: The facility shelter will be painted to match the natural color scheme. The tower pole will be painted to match the natural color scheme and will have tree limbs resembling a Pine. The antennas will be painted to match the branch color and will have pine needle socks installed around them to reduce visual impact. As illustrated in the photo simulations, site plan, and elevations, the tower and ground equipment are designed to blend with the native oak and pine tree vegetation. The project has been designed to blend in with the natural features and vegetation as directed by Section 130.40.130 of the Zoning Ordinance. The proposed mono-pine tower would be visible only from the immediate surrounding area. The tower would not be visible from surrounding properties or nearby roads. The wireless communication tower would be designed to resemble a pine tree with antennas located in faux branches. The tower pole would be painted to match the bark color of a pine tree. The monopine design would camouflage the facility to blend in with the surrounding vegetation. Photo simulations are provided in Exhibit F.

2. *Setbacks. Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.*

Rationale: The RL-10 Zone District requires a 30-foot front, side, and rear setback from property lines for a structure. The telecommunications facility and equipment shelter are located over 200 feet from all property lines and the location is therefore consistent with the RL-10 Zone District setback standards (Exhibit E-4).

3. *Maintenance. All improvements associated with the communication facility, such as equipment shelters, towers, antennas, 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: 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.

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: A submitted RF analysis report (dated July 21, 2015) confirms compliance with the FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Exhibit H).

H. Availability. All existing communication facilities shall 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 two additional carriers; however, no specific location or quantity antennae have been identified. Any separate future collocation would require a revision to this use permit, subject to review by the County.

I. Unused Facilities. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.

Rationale: There is no equipment on site currently. The project has been conditioned to comply with this requirement.

J. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:

1. School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.

2. Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.

Rationale: The project parcel is not within 1,000 feet of a school or land governed by CC&Rs and these notification requirements do not apply to this project.

4.0 CONDITIONAL 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 Conditional 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 one percent or less of the public safety standard established by the FCC, the risk of Radio Frequency (“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 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 Conditional Use Permit.

Rationale: The proposed use complies with the requirements of Zoning Ordinance Section 130.40.130 C through J (facility requirements/analysis) and is allowed with a Conditional Use Permit according to 130.21.020 (allowed uses for Rural Lands Ten-Acre (RL-10) Zone District).