

FINDINGS

Conditional Use Permit S17/0004/AT&T CAF 1 Planning Commission/December 14, 2017

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 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 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 Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 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 each of the ten parcels. The operation of the facilities will require no water, sewer, or solid waste service as they are unmanned facilities. No new or expanded wastewater treatment facilities would be required. Operation and continued maintenance of the towers and ground equipment shelters would not generate solid waste.

2.2 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.1.2.1 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 high and very high fire hazard areas. The El Dorado County, Pioneer and Georgetown Fire Protection Districts, as well as the State Department of Forestry and Fire Protection (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 facilities will not require the use of potable water or wastewater, as they are unmanned facilities.

2.3 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: In compliance with Policy 6.2.3.2, the project will utilize existing gravel driveways and roads accessed off public roads. The Transportation Department and the El Dorado County, Georgetown, Pioneer Fire Protection Districts, and CalFire reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plans were reviewed for emergency ingress and egress capabilities, and building plans will be reviewed by the El Dorado County, and Georgetown Fire Protection Districts for compliance with County and fire codes.

2.4 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new development projects that would result in soil disturbance on parcels that are over an acre and have at least one percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

Rationale: The proposed Project includes the removal of individual oak trees as well as the trimming of oak tree canopy on sites 3 and 5. All sites are over an acre in size with over one percent area of oak tree canopy. Site 3 Buffalo Hill would be required to retain 85 percent of the onsite oak tree canopy and Site 5 Somerset would be required to retain 80 percent of the onsite oak tree canopy. As proposed Site 3 Buffalo Hill would retain 88 percent of the onsite oak tree canopy while Site 5 Somerset would retain 93 percent of the onsite oak tree canopy. A replacement and monitoring plan will be incorporated for these sites. This project was analyzed under the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A) adopted November 9, 2006 and amended October 12, 2007, which were the current guidelines when this project was deemed complete.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.30.030(F)(1).

Where incompatible uses, adjacent to lands located in the Mineral Resource (MR) Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:

- a) 250 feet on lots 10 acres or greater.
- b) 150 feet on lots less than 10 acres in size

Rationale: Project Site 2 Nashville is located adjacent to parcels with the –MR combining zone. As the new wireless communication facility would not be considered an incompatible use, the additional setbacks would not apply.

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

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 has considered alternative locations for new towers and has identified the proposed Project sites as essential to creating the network linkages required to reach last-mile customers. The towers are designed to blend with the surrounding environment, and would allow two additional carriers to collocate at each facility in the future.

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

In all zone districts, other than commercial, industrial, and research and development zone districts, which require a Minor Use Permit, new towers or monopoles shall be subject to approval of a Conditional Use Permit by the Planning Commission.

Rationale: The project sites are not located in commercial, industrial, and research and development zone districts (Site Exhibits D). The applicant has submitted a Conditional Use Permit application for each site to be reviewed by and subject to the approval of the Planning Commission.

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. 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 each Project site's facility are provided in Exhibit J of the Staff Report. These photos demonstrate how the facilities are designed to blend with the surrounding environment (Site Exhibits J).

- D. *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 sites are located in previously disturbed areas. The surrounding areas are dominated by rolling hills interspersed with pine and oak canopy. The project has been designed such that trees and topography will screen the towers when possible. Five of the towers are designed as broadleaf monopine towers. As Site 2 Nashville is located in an open pasture a lattice tower will be constructed and is designed to blend with the existing skyway. The towers have a manufacturer-applied non-reflective coating to prevent glare.

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: All Project sites are consistent with the setback standards for Residential, Agricultural, Rural, and Resource Zones (Site Exhibits F).

Agricultural, Rural, and Resource Zones: Section 130.21.030 identifies maximum setback for non-agricultural structures from the front, side, and rear of a parcel boundary for Agricultural, Rural, and Resource Zones. The setback for all these zones are 30 feet.

Site 1 Old Fort Jim (RL-10) is at minimum 162 feet from any setback line;

Site 2 Nashville (RL-10) – minimum 181 feet;

Site 4 Outingdale (RL-10) – minimum 45 feet;

Residential Zones: Section 130.24.030 identifies maximum setbacks from the front, secondary front, side, and rear of a parcel boundary for Residential Zones. The setbacks for the Residential Zones in which the Project sites are located are 30 feet minimum.

Site 3 Buffalo Hill (R2A) is at minimum 30 feet from any setback line;

Site 5 Somerset (RE-5) – minimum 65 feet;

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.

- E. *Radio Frequency (RF) Requirements: Section 130.40.130.E 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: Submitted RF analysis reports, confirm compliance with the applicable FCC Regulations under 47 C.F.R Section 1.1307(b) (3) and 1.1310 (Radio Frequency Radiation Exposure Limits) (Site Exhibits K).

- F. *Availability. Section 130.40.130.F requires that all communication facilities be available to other carriers as long as structural or technological obstacles do not exist.*

Rationale: The project towers could be consulted with the ability to accommodate two additional carriers, however no specific location or quantities of antennae has been identified. Any separate future

collocation would require a revision to this conditional use permit and/or building permit, subject to review by the County.

G. Section 130.40.130.G 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: There is no equipment on the sites currently. The project has been conditioned to comply with this requirement.

H. Section 130.40.130.H 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: Golden Oak Elementary is located within 1,000 feet of the proposed Site 1 Old Fort Jim. Golden Oak Elementary was contacted as part of the consultation process. None of the other proposed project sites are located on land within 1,000 feet of a school, nor are any project sites located on residentially zoned lands governed by CC&Rs. 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 0.24 to 0.76 percent of the public safety standard established by the FCC for microwave frequencies, the risk of Radio Frequency (RF) emissions to the surrounding public at all Project sites is remote (Site Exhibits I). The use will not significantly conflict with surrounding uses. 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 Conditional Use Permit.**

Rationale: As discussed in Section 3.2 above, the proposed use is specifically permitted in accordance with Zoning Ordinance Section 130.40.130(B)(6)(b) subject to approval of a conditional use permit by the Planning Commission. The applicant has submitted applications for a conditional use permit to be reviewed by and subject to the approval of the Planning Commission.