S17-0016/AT&T CAF4 (Sites 1-7) – As approved by the Board of Supervisors on August 28, 2018 (Site 1) and September 11, 2018 (Sites 2-7)

Findings

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**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 seven 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 facilities are within high and very high fire hazard areas. The El Dorado County, El Dorado Hills and Mosquito Fire Protection Districts, as well as the State Department of Forestry and Fire Protection (Cal Fire), were given the opportunity to comment. Additional conditions of approval were submitted for Site 5 Latrobe. Standards for construction and vegetation maintenance will apply on all sites 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, El Dorado Hills and Mosquito 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, El Dorado Hills and Mosquito 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 non-exempt development projects that would result in impacts to oak resources in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of individual oak trees on Site 2 Newtown. A technical study and oak tree or oak woodland removal permit shall be required for Site 2 Newtown. This project was analyzed in accordance with the Oak Resources Management Plan, at the request of the project applicant.

3.0 ZONING FINDINGS

3.1 **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 provided an alternative site analysis (Exhibit J) for each of the seven proposed sites. Each alternative site analysis considered alternate 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 of designed to blend with the surrounding environment, and the project sites would allow two additional carriers of six antennas each to collocate at each facility in the future. At the February 22, 2018 Planning Commission meeting, the Planning Commission requested that the project applicant provide a more detailed alternative site

analysis. The updated alternative sight analysis was submitted to Planning Staff and identified the proposed sites as the best site within each of the tower search ranges.

Table 3: Alternative Site Summary

	Site 1 Cool			**Site 2 Newtown**					**Site 3 Pleasant Valley**				**Site 4 Soapweed**			**Site 5 Latrobe**				**Site 6 Zee Estates**				**Site 7 Gold Hill**			
Site*	P	B	T	P	B	C	D	T	P	B	C	T	P	B	C	P	B	C	T	P	B	C	T	P	B	C	T
Coverage Issues		x	x		x	x	x	x			x	x		x	x			x	x		x	x	x		x		x
Structural Issues			x					x				x							x				x				x
Access Issues					x																					x	
Oak Tree Removal				x	x																					x	
Aesthetic Issues					x	x	x			x	x																
Septic Issues							x																			x	
CC&R Issues																	x	x									

* Proposed Site (P) Candidate Site (B/C/D) Existing Tower (T)

Site 1 Cool: The project applicant provided an alternative site analysis (Site 1 Exhibit J) with a search radius of approximately one mile. The proposed site was identified as the most optimum in providing additional services and capacity to the area. Candidate Site B would cover approximately 35 percent fewer living units than the proposed site and would conflict with an existing AT&T tower located less than one-half mile from the alternative site (approximately two miles from the proposed site). The nearest dwelling unit to the proposed site location is approximately 360 feet to the north.

A potential co-location was identified approximately one mile to the west of the project site. The existing SBA Communications tower is 70 feet tall with carrier antennas located at 60 and 50 feet and availability for an additional carrier at 40 feet. At 40 feet the project would lose 55 percent of the targeted living units. If the tower were to be modified to allow for an additional carrier at 70 feet approximately 45 percent of the targeted livening units would be loss. Additionally the tower has already been re-braced for structural integrity and has most likely already reached its capacity making extension of the tower unlikely. The project applicant has identified the proposed site as the best site within the project search range.

Site 1	**Proposed Site**	**Candidate Site B**	**Existing Tower**
Coverage Issues		X	X
Structural issues			X
Access Issues			
Oak Tree Removal			
Aesthetic Issues			

Site 2 Newtown: The project applicant provided an alternative site analysis (Site 2 Exhibit J) with a search radius of approximately one-half mile. The proposed site was identified as being the most optimum in providing additional services and capacity to the area. Candidate Site B would cover approximately 20 percent fewer living units than the proposed site and would be located in closer proximity to surrounding homes. Candidate Site B would remove an undetermined amount of oak woodlands to accommodate the new tower. The nearest residence to Candidate Site B is located approximately 235 feet away. Candidate Site C would cover approximately 25 percent fewer living units than the proposed site and would be more visible to surrounding properties than the proposed location. The nearest residence from Candidate Site C is located approximately 230 feet away. Candidate Site D located approximately 300 feet south-east of the center of the search ring, would cover 18 percent fewer living units than the proposed

site and would conflict with an existing on-site septic system. The nearest residence from Candidate Site D is located approximately 100 feet away.

There is one existing tower located approximately 1.10 miles south of the proposed tower location. The existing tower is designed to provide cellular services and does not have the necessary line of site for wireless internet services. Co-location on the tower would result in a 45 percent coverage decline in targeted living units and would not fill a significant gap in the applicant's Long-Term Evolution (LTE) coverage. The project applicant has identified the proposed site as the best site within the project search range.

Site 2	**Proposed Site**	**Candidate Site B**	**Candidate Site C**	**Candidate Site D**	**Existing Tower**
Coverage Issues		X	X	X	X
Structural issues					X
Access Issues		X			
Oak Tree Removal	X	X			
Aesthetic Issues		X	X	X	
Septic Issues				X	

Site 3 Pleasant Valley: The project applicant provided an alternative site analysis (Site 3 Exhibit J) with a search radius of approximately one-half mile. The proposed site was identified as the most optimum in providing additional services and capacity to the area. Candidate Site B located approximately 875 feet northeast of the center of the search ring, would cover approximately 3 percent more living units than the proposed site, however was deemed to be more intrusive upon surrounding residences, of which the nearest are located approximately 180 feet and 240 feet away. Candidate Site C located approximately 640 feet southwest of the center of the search radius would cover approximately 10 percent fewer living units than the proposed site and would be more intrusive on residences with the nearest residence being located approximately 100 feet away.

There is one existing tower located approximately 0.85 miles north of the proposed tower location. The existing tower is designed to provide cellular services and does not have the necessary line of site for wireless internet services. Co-location on the tower would result in a 35 percent coverage decline in targeted living units and would not fill a significant gap in the applicant's Long-Term Evolution (LTE) coverage. The project applicant has identified the proposed site as the best site within the project search range.

Site 3	**Proposed Site**	**Candidate Site B**	**Candidate Site C**	**Existing Tower**
Coverage Issues			X	X
Structural issues				X
Access Issues				
Oak Tree Removal				
Aesthetic Issues		X	X	

Site 4 Soapweed: The project applicant provided an alternative site analysis Site 4 Exhibit J) with a search radius of approximately one mile. The proposed site was identified as being industrially zoned and the most optimum in providing additional services and capacity to the area. Candidate Site B located approximately 1.2 miles northeast of the center of the search ring would cover approximately 5 percent fewer living units than the proposed site. The nearest residence to Candidate Site B is located approximately 200 feet southeast. Candidate Site C located approximately 1.3 miles northeast of the center of the search radius would cover approximately 45 percent fewer living units than the proposed site and would require long distance trenching for utilities.

There are no potential co-locations within the proposed tower vicinity. The project applicant has identified the proposed site as the best site within the project search range.

Site 4	**Proposed Site**	**Candidate Site B**	**Candidate Site C**
Coverage Issues		X	X

Structural issues			
Access Issues			
Oak Tree Removal			
Aesthetic Issues			

Site 5 Latrobe: The project applicant provided an alternative site analysis (Site 5 Exhibit J) with a search radius of approximately one mile. The proposed site was identified as being the most optimum in providing additional services and capacity to the area. Candidate Site B located approximately 0.75 miles northwest of the center of the search ring, would cover approximately 5 percent more living units than the proposed site, however the property's covenents, codes and restrictions (CC&R's) restrict commercial building, thus disqualifying the site for the project. Candidate Site C located approximately 1 mile northwest of the center of the search radius, would cover approximately 10 percent fewer living units than the proposed site and much like Candidate Site B has CC&R's which restrict commercial building.

There are no viable co-location opportunities within the project vicinity. The nearest existing tower to the proposed site is located approximately 2.75 miles northwest. AT&T is currently located on this tower which services the community to the north and would be insufficient to provide wireless internet services to the targeted community. The project applicant has identified the proposed site as the best site within the project search range.

Site 5	**Proposed Site**	**Candidate Site B**	**Candidate Site C**	**Existing Tower**
Coverage Issues			X	X
Structural issues				X
Access Issues				
Oak Tree Removal				
Aesthetic Issues				

CC&R Issues		X	X	

Site 6 Zee Estates: The project applicant provided an alternative site analysis (Site 6 Exhibit K) with a search radius of approximately three-quarters mile. The proposed site was identified as the most optimum in providing additional services and capacity to the area. Candidate Site B located approximately 0.86 miles north of the center of the search ring would cover approximately 18 percent fewer living units than the proposed site. The nearest residence to Candidate Site B is located approximately 300 feet away. Candidate Site C located approximately 1.2 miles northeast of the center of the search radius would cover approximately 22 percent fewer living units than the proposed site. The nearest residences from Candidate Site C are located approximately 555 feet away. Both alternative sites would conflict with the recently approved S17-0007 Site 5 Pilot Hill tower location.

There is one existing tower located approximately 1.85 miles north of the center of the search ring radius. The existing tower is designed to provide cellular services and does not have the necessary line of site for wireless internet services. Co-location on the tower would result in a 35 percent coverage decline in targeted living units and would not fill a significant gap in the applicant's Long-Term Evolution (LTE) coverage. The project applicant has identified the proposed site as the best site within the project search range.

Site 6	**Proposed Site**	**Candidate Site B**	**Candidate Site C**	**Existing Tower**
Coverage Issues		X	X	X
Structural issues				X
Access Issues				
Oak Tree Removal				
Aesthetic Issues				

Site 7 Gold Hill: The project applicant provided an alternative site analysis (Site 7 Exhibit K) with a search radius of approximately three-quarters mile. The proposed site was identified as the most optimum in providing additional services and capacity to the area. Candidate Site B located approximately 1,095 feet

southwest of the center of the search ring would cover approximately 20 percent fewer living units than the proposed site. The nearest residence to Candidate Site B is located approximately 1,100 feet away. Candidate Site C located approximately 1,460 feet southeast of the center of the search radius, would cover approximately 6 percent more living units than the proposed site, however the adjacent dwelling unit's septic system would interfere with the access route. An alternative access route was considered, however the applicant decided that the cost of ground disturbance for the access route would be too great.

There are no potential co-location opportunities in the vicinity of the search ring. The nearest wireless facility is located approximately 2.5 miles northeast of the search ring. The existing tower would not support the wireless internet coverage for the targeted community. The project applicant has identified the proposed site as the best site within the project search range.

Site 7	**Proposed Site**	**Candidate Site B**	**Candidate Site C**	**Existing Tower**
Coverage Issues		X		X
Structural issues				X
Access Issues			X	
Oak Tree Removal			X	
Aesthetic Issues				

The proposed new towers were selected based on review of topography, slope, biological issues, aesthetic issues, impacts to residential uses, access, relation to potential colocation opportunities, and signal strength.

3.2 **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 except where within 500 feet of a residential zone, which require a Minor Use Permit, new towers or monopoles shall be subject to approval of a Conditional Use Permit by the Planning Commercial.

Rationale: Project Site 2 Newtown is located on a Light Industrial (IL) zoned parcel however it is within 500 feet of a residentially zoned parcel. No other project sites are located in commercial, industrial, and research and

development zone districts (Site 1~~2~~-7 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.

3.3 **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 1~~2~~-7 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 1-3 and 5-7 are located in previously disturbed areas, with Site 4 Soapweed being undeveloped. 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. All towers are designed as broadleaf monopine towers. 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 Planning Commission approval of a Conditional 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 4 Soapweed (FR-40) is at minimum 70.4 feet from any setback line;

Site 5 Latrobe (RL-20) – minimum 30 feet;

Site 6 Zee Estates (RL-10) – minimum 30 feet;

Site 7 Gold Hill (RL-10) – minimum 35 feet;

Industrial and Research and Development Zones: Section 130.23.030 identifies maximum setbacks from the front, secondary front, side, and rear of a parcel boundary for Industrial and Research and Development Zones. The setbacks for these zones are located are 30 feet minimum.

Site 2 Newtown (IL) is at minimum 30 feet from any setback line

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 30 feet minimum.

Site 1 Cool (RE-5) is at minimum 183 feet from any setback line;

Site 3 Pleasant Valley (R2A) – minimum 30 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: All facilities have the ability to accommodate two additional carriers of six panel antennas, however, no specific location or quantities of antennae have been identified for any towers. 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: None of the project parcels are located within 1,000 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 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.